HEFORE COUNTY BOARD OF APPEALS

OF

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BALTIMORE COUNTY No. 5165

The petitioner in the instant case seeks to reclassify approximately 102 acres in the Thirteenth District of Baltimore County on the north shore of the Patapaco River, 480 feet north of the west approach of the Harbor Tunnel from a new #R-6" classification to manufacturing light. The property is described as being bounded on the south by the Harbor Turnel approach, on the east by the Patapsco River, on the north by Patapsco Avenue, and on the west by the B & & Railroad. The topography of the ground, according to testimony is comprised of areas of low, marshy, water covered ground, of which minute parts thereof are firm or buildable. Ample testimony was given to indicate that in order to use the subject property for residential use, one and one-half million to two million cubic yards of fill would be required with pilings to contain any substantial amount of dwelling units, thereby making the said property impractical for all intents and purposes for any residential building uses. There was further testimony that the sewage problems would be of such a compound nature as to preclude any reasonable use of said property in an residential capacity. These factors plus the additional factors of being located near the Harbor Tunnel approach, the Patapsco River and the aforementioned railroad, all lend to the character of this property to an injustrial nature as opposed to residential uses.

The Board is unanimous in its opinion that the property in question was zoned in error by the Baltimore County Council upon their adoption of the Land Use Map for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential usages of the ground under its present zoning.

ORDER

For the reasons set forth in the aforegoing Opinion, it is For the reasons set forth in the aforegoing Opinion, it is this ______day of January, 1962, by the County Board of Appeals, ORDERED that the reclassification p titioned 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

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Now you want to use it for commercial. Now how are you going to propose trucks spating in and out of that property. You have to come through the nicely-developed meighborhood. We are all developing in lags and bounds. We are going to clart a may cahool out though this princy, and develop fact. I am watching it grow fast. I have worked with people out there.

00

No. STEFFEY: To answer your question, sir, No. 1, we have not offered our property for mlo. As you know, we have had that propert for almost thirty years now. No. 2, as far as future access to the property is conserned, which is all that we are interested in at the time being, we are not interested in any present access to the property, the Fatapeac Arenos is to be outbraid through any are vicinity. Patapeac Areno will be an advanced to the property of the p

Mt. GOTTLIBB: It comes behind my house, in fact, up here in Londonne. We don't know. But the idea is, if you take and region it, and than the proof had a but the state of the control of

MR. MULLER: Mr. Gottlieb, you came to ask some questions?

MR. GOTTLIES: He answered. Thank you sir.

MR. STAPPEY: The property is not offered for sale. The idea of a comprehensive map is to zone it at this time when we all can press our views.

MR. MULLER: Is there amone else who would like to discuss this subject while we are on it. (No answer)."

On May 5, 1959 the following was contained in the secommentation - Thirteenth District Saltimore County - Report Executive and the County Council:

Assessive and the County Councils

"Another basically different approach is that of the use
proposed on the plan by the planning staff, and approved
by the Planning Board for the land lying between the
turned throughest and the Planning Board for the land lying between the
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turned throughest and the Planning Board for the
"Medium as "Badd conting.
The proposed Zoning Map has been changed in the castorn
portion to "M-L" soning and in the vestern portion,
"M-U" soning a faculally in proposing "B-io" soning we
believe the land is no more suited for development in
houses on acre lots than it is for development for
insustrial buildings or plants. This is all low land,
such of it swampy, and the greater part of it subject
to the form the land to the north by the turnel route.
Access under the appressway at a fewpoints was provided
from the higher land in order to give the sindswa
mossary access to the out-off strip. In one case,

COUNTY HOARD OF AFPEALS

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access was specifically provided to the prospective state park proverty. In another, south of Calvert transport of the proventy from which topsoil is now being sold. The property from which topsoil is now being sold. The strip of treverside lard between the Fennsylvanta Rullroad and the prospective Beltway alignment, the longest single strip without interruption, has its only access by way of the before-annithment on way multipass which was provided for the Gate Department of the strip to the force of the strip to the force of the strip to the Baltimore and Annapolis Road would be accessible from Annapolis Road Finally, the large strip of marelland, such vides than the rest, which lies on the north side of the turnel throws between the Fatepoon fiver and the Baltimore and heavy the strip the strip to the Baltimore and sace Avenue, which is the street just work of the old railroad right-of-way, but would require very extensive filling for almost any kind of use."

On May 26, 1959 the minutes of the Baltimore County Council discloses the following:

"The Chairman then recognized Mr. Dignan who moved "The Chairman then recognized Mr. Digman who moved that all that area in the 11th Kasction Blatrict of Baltimore Gounty Lying to the southmast of the Harbor Tunnel Approach Road and to the mast of the Mark A. R. Rright-o'-way, shown as "B-M" on the Master Flan for the 13th Kaschion Blatrict, adopted by the Flanning Board, be somed "B-G", instead of the various classifications recovered by the Channing Companions routher than the Companion of the Chairman Companion of the Chairman Chai harvell. Mr. Amberson than spoke and asked Mr. Bigman if he thought the subject property was mittable for Mr. O' the subject property and the subject property and the subject are been subject area be somed "Mr. Digman replied that he did the subject area be somed "Mr. O' was not researe it for park use. Mr. Digman find that it was After further discussion, the question was called and Mr. Digman's motion carried by the following reall call votes:

Aye - Mr. Digman, Mrs. Boome, and Messrs. Darrell, and Bradley.

May - Mr. Muller and Mr. Anderson

Abstaining - Mr.Schield

The Chairman then spoke on behalf of Mr. Amiorson and Mr. Schield and himself and stated that they were all in favor of having the subject area acquired and used for a state park. However, they did not feel that the "R-5" designation was legally proper."

RE: PETITION FOR REGLASSIFICATION :
from an "R-6" Zorn to a "M-1"
Zorn -N. W. Shore Line of Fatapaco:
River Adol N. of W.Approach to
Harbor Tunnel, lith District Pallable Homes Corporation; Potiti oner

hearing.

BEFORE ZOUTHO COMITSSTONER Œ

BALTIMORK COUNTY No.5165

Baltimore 2, Maryland, the legal conner of a large area located on the northwest showe of Ptapese (Rur 180 feet northwest showe of Ptapese (Rur 180 feet north of the Seat appears to the Maryland Large and a reclassification from Residential-6 to Maryland Large 1818.

The reasons stated in the patition were as follows:

"There was error in the algoriton of the Land Use Map for the Thirteenth District of Baltimore County insofar as the above described property is concerned because the sum and the hard been classified as "Me." and not a born on substantial relation to a "public bealth, safety, morals or openeral welface, and was artitude, public was and discriminatory."

The reasons were very ably elaborated upon at the

Mr. John W. Staffey tostified at the soning hearing. Prior to that time We, Steffey but the following to say at a hearing on the proposed soning map for the Thirteenth Election District of Baltimore Gounty held on May 9, 1959;

"I represent Charles H. Steffey, Inc., who cams apprecimately 185 area in this location, which is south of the M.D.C. A. Relired and north of the river bed, west of the Baltimore City Mine.

I just want to state very briefly here that the character of that land is such that it can only be used for either light or heavy manufacturing use. To describe the character of the land, if you go to to the south of the M.B.& A. bend, there is only about tenty-tive acros of fast land, all along there.

NR. STREET Actually land which is solid land, nude-up lant. The balance of the property would be considered nurbhand, manny land. Other fast land, about two-thirds of the fast land comed by cursolives and our adjoining neighbor, who I do not know, to the east, his been mad up in a dump. That dump has been down there, well, we leaded the dump of the to the nat who is operating it now for at least twenty-two years. And that refuse,

the cinders that have gone in there have gone to make up the land.

#5165

As far as the character as concorned on the north side of this ground, you have the M.S.R.A. R.R., you have tremendous high-tension lines. You have the Molay Station for the Baltimore Gas & Electric Co., that is bordering along the north side. On the east side of the property you have the Baltimore City Line, and the city incinentor on the south of it, you have the Fatapace River, and on the west side you have the Baltimore-Mainington Riversawy, - exumes now, turned Baltimore-Mainington Riversawy, - exumes now, turned entrance. And the character is such that it is not adapted for residential use.

W information from the park people, that I have had, at the present time they only have the authority to acquire property up to the Annanolis Rode. I may be wrong, but I was told that. The other properties, the are saking a survey now, up to the Saltience City Line, which has been abandoned and which was not approved at the last senting of the legislature.

Also in that area, they would acquire about half of the total area, representing between the Fatapece River and W.B. & A. In other words, they would acquire the area which is the swamp area. With the general character of the neighborhood, in this specific area, it is our opinion that impurish use, other light or heavy that the second of the second of

That is, it is true noting may reflect in value, but the price at which a person will pay for a place of property, whether they be industrial or whether it be readismital buildings, is going to reflect on what they have to put out to use that property. If they are going to get into an area where they have to fill, any price they would consider paying for that property is going to be very substantially affected, by what it costs, what they are going to have to spend on!

ME. GOYLLES: Mr. Chairman, in this neighborhood I was been and raised. There is property around here on the ether side of the M.3.4 A. if you sold that comparing, how do you propose to get your trucks out of them. This nice developed hand people have their home, all small reade, where large trucks are concerned, it will create traffic hazards. This is an old Foruge, be used to bush musikrate and hunt birds. You are filling that ground in.

V #5165

On December 20, 1960 Mr. George R. Lewis, Chief Permit Section - Division of Land Development, commented as follows:

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"This office questions the sening of this typet of land without provision of props access. The playwas sub-mitted would initiate that the parcel involved does not have frontage to are public street, which would provide vohicular access to this land.

It should be noted that the approach to the Habbor Tunnel Road is a non-access highway."

At the soning bearing hold on Wednesday, December 21, 1960 George G. Gavrelis, Dupty Director of the Office of Flamming testified that the Flanging Staff does not recommend the change. We suggested low density "R-6"/and Commented that access to the Property is insufficet.

testified that make 10 feet to 50 feet deep will not suppose approximate some control from the feet of the feet of

It is a basic to the law of preperty that a man chall be allowed the use of his property consonant with the protection of his neighbors.

casior if it were possible to say that over parcel of land had clearly a highest and best use, but this is not the case. It is not the case where a parcel of land is not patently suited for any particular use.

At the same time the Court of Appeals of Maryland has taken a firm stand and it is no better expressed than in Zinn vs Board of Zoning Appeals 207 M 358:

7 Ht 358:

"It is an established rule that where an application is made for reclassification of a tract of land from the some constitution of a tract of land from the some established by the original zoning ordinance were well planned and arranged and were interned to be more of less pursuant, subled supported that the some of the planned and arranged and were interned to be more of less pursuant, subled the land to be more of less pursuant, subject to the proof of their that there was some mistake in the original soming or that the character of the neighborhood had changed to such an extent that grackased the proponents of change to justify it by proof of original mistake or substantial change in the character of the neighborhood."

What changes have taken place since the Thirteenth District zoning map was adopted on June 2, 1959?

In this area the anner is none. Go back quite a few years and the anner is still none. In the entire County, heme are existing and are built near railreads. An excellent example is Halethorpe. Farms and hemes are built right up to high-tenden lines. At times residents and

farmers use the land under the high tension limes for gardening, growing crops, etc. Installations of the Gas Company and the Teb phone Company exist in many residential areas without impairing the use of land.

In spite of protests residents still live mear expressions. If the Baltimore City Incinerator would cause trouble for new residents, then it must have been causing trouble for old residents. An existing incinerator is not a reason to grant "N-L" soming in a predentiantly resident's law.

The petitioner's land is scarcely land at all, but it is a mean. To use the site for writing envisions great plans. No plans are in existence. The Battlerer County Council are have used the wreng considering the health, as few present letters of the locality involved, it would indeed be a damper; as thing to repose the classification of Manifacturing Light upon a community when the plans for development are a lacking in a base as the wry land itself:

For the above reasons the reclassification should be

Corrianioner of Ba timer County, Colocus that the above petition be and the same is bareby cred and that same is bareby continued and that the above described property or area be and the same is bareby continued as and tor wain an "R-6" zero.

Zoning Commissioner of Baltimore County,

I haven't heard, in our area of any prices, anything like we were talking bout before, for any injustrial property.

N. Carlo BEFORE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY No. 5165

Raliable Homes Corporation, IB East Lexington Strees, Baltimore 2, Maryland, the legal owner of a large area located on the northwest share of Patapaco River 480 feet north of the West approach to the Harbor Tunnel, requested a reclassification from Residential -6 to Manufacturing Light.

The reasons stated in the petition were as follows:

"There was error in the adoption of the Land Use Map for the "There was error in the adoption of the Land Use Map for the Intrineenth District of Baltimore County insoface as the above described property is concerned because the same should have been classified as "M-L" and not health, safety, morals or general welfare, and was arbitrary, capricious and discriminatory."

The reasons were very ably elaborated upon at the hearing.

Mr. John W. Steffey testified at the zoning hearing. Prior to that time Mr. Steffey had the following to say at a hearing on the proposed zoning map for the Thirteenth Election District of Baltimore County held on May 5, 1959:

"I represent Charles H. Steffey, Inc., who owns approximately 185 acres in this location, which is south of the W.B.AA. Railroad and north of the river bed, west of the Baltimore City

I just want to state very briefly here that the character of that land is such that it can only be used for either light or heavy manufacturing use. To described the character of the land, if you go to the south of the W. 8. &A. bend, there is only about twenty-five acres of fast land, all along there.

Mr. Muller: What do you mean by fast land?

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vehicular access to this land

Road is a non-access highway."

Mr. Joseph D. Thompson, Registered Professional Engineer, testified that muck 49 feet to 59 feet deep will not support appreciable amount of building nor would it support dwellings built or to reasonable prices. There are only on few acres of fast land in the area. Estimated fill would cost a half a million does. While water is available, one or more lift stations would be necessary for sewerage. This ends Mr. Thompson's statement.

neighbors.

George G. Gavrelis, Deputy Director of the Office of Planning testified that the Planning Staff does not recommend the change. He suggested low destriby "R-6" and luses and commented that access to the property is insuffi

Mr. Steffey: Actually land which is solid land, made-up land. Mr. Steffey: Actually load which is solid land, made-up loan. The balance of the property would be considered menhland, swengy land. Other fast land, about two-thirds of the fast land award by ourselves and our adjaining neighbor, who I do not forway, to the east, he been made up in a dump. That dump has been down there, well, we leased the dump out to the man why to speeching it now for at least twenty-two years. And that refuse, the cinders that have gone in them have gone to make up the latter.

The Chairman then spoke on behalf of Mr. Anderson and Mr. Schield and himself and stated that they were all in favor of having the subject area acquired and used for a tate park. However, they did not feel that the "R-6" designation was legally proper."

On December 20, 1960 Mr. George R. Lewis, Chief Permit Section – Division of Land Development, commented as follows:

"This office questions the zoning of this tract of land without provision of proper access. Theplat as submitted would indicate that the parcel involved does not have

It should be noted that I the approach to the Harbor Tunnel

Mr. Joseph D. Thompson, Registered Professional Engineer,

It is a basic to the law of property that a man shall be allowed

the use of his property consonant with the protection of his

The designation of zoning districts would be much easier if

it were possible to say that every parcel of land had clearly a highest and best luse, but this is not the case. It is not the case where a parcel of land is not patently suited for any

At the same time the Court of Appeals of Maryland has taken a firm stand and it is no better expressed than in Zinn vs Board of Zaning Appeals 207 Md 358:

of Zoning Appeals AU May 300:

"It is an established rule that where an application is made for reclassification of a tract of land from one zone to another, there is a presumption that the zones established by the original zoning ordinace were well planned and arranged and were intended to be more or less permanent, subject to dange only when there are genuine changes in condition. The order a zoning board rezones a property, there should be professed to the condition of the c

frontage to any public street, which would provide

As far as the character is concerned on the north side of this ground, you have the W.B.&A. R.R., you have of this ground, you have the W. B. &A. R.R., you have treemedous high-restinol lines. You have the Relay Station for the Baltimore Gas & Electric Co., that is bordering along the north side. On the east idea of the you have the Baltimore City Line, and the city incinerator on the south of it. You have the Patapasc River, and on the west side you have the Baltimore "Washington Expressway," excurs me, tunnel entronce. And the character is such that is in

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My information from the park people, that I have had, at the present time they onlyhave the authority to acquire property up to the Annapolis Road. I may be wrong, but I was tald that. The other properties, they are making a survey now, up to the Baltimore City. Line, which has been abandoned and which was not approved at the least imeeting of the

Also in that area, they would acquire about half of the Ass in that area, may would acquire about nair of me total area, representing between the Patapsco River and W.B.&A. In other words, they would acquire the area which is the swamp area. With the general character of the neighborhood, in this specific area, it is our opinion that industrial use, either light or lheavy industrial use is the only use liwhich it could be nut to now. I would like to define one thing to Mr. Darrell about valuation. This property is a good example of it.

That is, it is true zoning may reflect in value, but the price at which a person will pay for a piece of property, whether they be industrial or whether it be residential buildings, is going to reflect on what they have to put out to use that property. If they are going to get into an area where they have to fill, any price they would consider paying for that property is going to be very substantially affected, by what it costs, what they are going to have to spend on it.

I haven't heard, in our area of any prices, anything like we were talking about before, for any industrial property

Mr. Gottlieb: Mr. Chariaman, in this neighborhood I was born and raised. There is property around here on the other side of the W.B.& A., if you sold that commercial, how do you proposed to get your trucks out of there. This nice developed land people have their homes, all small roads oeveloped land people have their homes, all small roads, — where large trucks are concerned, it will create traffic hazards. This is an old Refuge. We used to hunt muskrats and hunt birds. You are filling that ground lin.

What changes have taken place since the Thirtcenth District zoning map was adopted on June 2, 1959?

For the above reasons the reclassification should be denied.

John G. Rose Zoning Com **Baltimore County**

True copy-Test:

. . . .

and the answer is still none. In the entire County, homes are existing and are built near railroads. An excellent exemple is Haldeshore. Form and homes are built right up to high-tension, lines. At times residents and farmers use the land under the high tension intens for gardening, growing cropts, etc. Installations of the Gas Company and the Telephane Company exist in many residential areas without imparing the ur-of land.

In spite of protests residents still live near expressways. If the Baltimore City Incinerator would cause trouble for new residents, incinderator is not a reason to grant "M-L" zoning in a predominantly resider tial area.

a swamp. To use the site for anything envisions great plans. No plasure in exhibitors. Bell the site of anything envisions great plans. No plasure in exhibitors. Bell times County Council may have used the wrong reasons are coning the property as it has, but the end result is correct. Considering the health, safety or general welfare of the locality involved, it would indeed be a dangerous things to impose the classification of Manufacturing Light upon a community when the plans for development are as lacking in a base as the very land itself. The petitioner's land is scarcely land at all, but it is

Commissioner of Baltimore County, ORDERED that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "R-6" Zone.

Now you want to use it for commercial. Now how are you Now you want to use it for commercial. Now how are you going to proposed trucks getting in and out of that property. You have so come through the nicely-developed neighborhood. We are all developing in leaps and bounds. We are going to start a new school out there, this spring, and develop fast.

I am watching it grow fast. I have worked with people out

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Mr. Steffey: To answer your question, sir, No. 1, we have not offered our property for sole. As you know, we have had that lapperty for almost hirty years now. No. 2, as far as falure access to theproperty is concerned, which is all that we are interested in an the time beling, we are not interested in any present occess to the property, the Potopsco America State of the property that we are interested in at the time being, we are not interested in any present occess to the property, the Palog Avenue is to be extended through this general vicinity: Patapsea Avenue will be a major access road to this whole lower area. When it does, it will eventually open up that bottom area.

Mr. Gottlieb: It comes behind my house, in fact, up here in Lansdowne. We Jon't know. But the idea is, if you take and rezone it, and then the people build back there, naturally they will find a way out. We had trouble in our neighborhood, they wanted to commercialize it first and build houses later, but we refused inem. Let us get the bonnes first. Let us plan this thing right. Let us put homes first. Let us plan this thing right. Let commercial establishments where they belong.

Mr. Muller: Mr. Gottlieb, you came to ask some questions?

Mr. Gottlieb: He answered, Thank you sir.

Mr. Steffey: The property is not offered for sale. The idea of a comprehensive map is to zone it at this time when we all can press our views.

Mr. Muller: Is there anyone else who would like to discuss this subject while we are on it. (No answer)."

On May 5, 1959 the following was contained in the Master Plan Reco mmendation - Thirteenth District Baltimore County -Report to the County Executive and the County Council

"Another basically different approach is that of the luse proposed on the plan by the planning staff, and approved by the Planning Board for the Inda playing between the humel throughway bad the Patapsco River. All of this tunnel throughway bad the Patapsco River. All of this tunnel was shown on the Master Plan of Zoning or "A-40" zoning. The proposed Zoning Map has been changed in the eastern portion to "M-L zoning and in the western portion, "M-H" zoning. Actually in proposing "R-40" zoning we believe the land is no more suited for development in houses on acre lots than it is for development for industrial buildings or allost.

ETHEL V. RAVEIO blo2 Baltimore Street Baltimore 27, Maryland IN THE CIRCUIT COURT MOBERT J. MATTHEWS 4318 Baltimore Street Baltimore 27, Maryland POR JOHN M. WIENER, SR. 1316 Baltimore Street Saltimore 27, Maryland BALTIMORE COUNTY WILLIAM G. REDELL 4312 Baltimore Street Baltimore 27, Maryland Misc. Docket No. 7 Folio No. A37 File No. 2.73 and JAMES L. VON HAGEL 4308 Baltimore Street Baltimore 27. Haryland Appellante V3. NATHAN H. KAUPHAN, JR., G. MITCHELL AUSTIN, and GAMMLS STRINBOCK, JR., being and constituting the GOUNTY BOARD OF APPEALS

CERTIFICATE OF NOTICE

Mr. Clerks

Pursuant to the provisions of Rule 1101-8 (b) of the Maryland Rules of Procedure, Mathan H. Kaufman, Jr., G. Mitchell Austin and Charles Steinbock, Jr., constituting 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, Julius G. Haurer, Esq., 152 Equitable Suilding, Baltimore 2, Maryland; Albert W. Styles, Esq., 5 South Street, Halti-ore 2, Maryland, attorneys for the Protestants and D. Heymard Hamilton, Jr., Esq., First Estional Bank Building, Ealtimore 2, Maryland and William S. Baldwin, Esq., 24 W. Pennsylvania Avenue, Towgon b, Maryland, attorneys for the Petitioner, a copy of which notice is attached

This is all low lond, much of it swampy, and the greater port of it subject to fiboding at times of high water. It is precifically out off from the lond to the north by the humal route. Access under the expressway of a fewpoints was provided from the higher land in order to give the minimum necessary access to the two-off strip. In one case, access was specifically provided to the minimum processory. In enother, south of Cabeeting states park prepare. In enother, south of Cabeeting states park prepare. In enother, south of Cabeeting states park prepare to the river property in one norw tunnel gives access to the river property in one norw tunnel gives access to the river property in one norw tunnel gives access to the river property in one norw tunnel gives access to the river property in one norw tunnel facilities and the property in one norw tunnel gives access to the river property in the property of the prope but would require very extensive filling for almost of any kind of use."

On May 26, 1959 the minutes of the Baltimore County Council discloses the following:

Council discloses the following:

"The Chairman then recognized Mr. Dignan who moved that all that area in the 18th Election District of Baltimore County lying to the southeast of the Harbor Tunnel Approach Road and to the east of the Way & A.R. A.R. Right-of-way, shows a: "R-40" not the Master Plan for the 13th Election Littlict, adopted by the Planning Board, be zoned "R-6", instead of the various classifications recommended by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell. Mr. Anderson then spoke and saled Mr. Dignan it the thought the tublect property was unitable for "R-6" use. Whereupon Mr. Dignan replied that he did not think it was suitable for my use. Mr. Anderson then saked Mr. Dignan it his treasons for moving that the subject area be zoned "R-6" was to reserve it for pask use. Mr. Dignan replied that it was suitable or my use to the subject area be zoned "R-6" was to reserve it for pask use. Mr. Dignan replied that it was. After forther discussion, the question was called and Mr. Dignan's motion carried by the following roll call vote:

Aye - Mr. Dignan, Mrs. Boone, and Messrs. Darrell, and

Nay - Mr. Muller and Mr. Anderson

Abstaining - Mr. Schield

hereto and prayed that it may be made a part thereof.

John Thomas Welsh, Assistant Solicitor County Office Building Towson 1, NB:ryland Va 3-3000 Ert. 186

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to Julius G. Maurer, Esc., 152 Equitable Building, Beltimore 2. Maryland, Albert W. Styles, Esc., 5 South Street, Baltimore 2. Maryland, attorneys for the Protestants and D. Heyward Basilton, Jr., Esq., First Mational Bank Building, Baltimore 2, Maryland and Milliam S. Baldwin, Esq. 2h W. Pennsylvania Avenue, Towson h. Maryland, attorneys for the Petitioner, on this 7/3 day of February, 1962.

ETHEL V. RAVEIO IN THE 4402 Baltimore Street Baltimore 27, Marylan CIRCUIT COURT ROBERT J. MATTHEWS FOR 4318 Baltimore Street Baltimore 27, Maryland BALTIMORE COUNTY JOHN N. WIENER, SR. 4316 Baltimore Street Baltimore 27, Marylan Folio No. 137 WILLIAM G. REIMEL File No. 2523 more 27. Marylan JAMES L. VON HAGEL 4308 Baltimore Street Baltimore 27, Maryland vs. NATHAN H. KAUFMAN IR BNSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED CORIES OF

PROCEEDINGS SEFORE THE ZONING COMMISSIONER

AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerks

Please file, & c.

Secretary to County Board of Annuals

MR: PATITION FOR CLASSIF MATION from an "n-6" Lone to an "N-L" Lone; Northern Shore Line Patapaco Store 1704 M. of West Approach to Emrbor Furmel - 13th Dist.,

BALTERONS COUNTY

In. 5165

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The netitioner in the instant case seeks to reclassify approx

tentely 102 seres in the Thirteenth District of Baltimore County on the north shore of the Fatapeoo diver, 400 feet north of the west approach of the Surbor Tunnel from a new "Bei" classification to manufacturing light. The property is described as being bounded on the south by the Marbor Turnel anyment, on the east by the Pataness Styer, on the north by Pataness Syenus and on the west by the E & A Hailrend. The topography of the ground, according to testimony is comprised of areas of low, marshy, water covered ground, which minute parts thereof are fire or buildable. Ample testimony us given to indicate that in order to use the subject property for residential one and con-balf million to two million cubic varie of fill would be required with milings to contain my substantial amount of dwelling units, thereby saking the said property impractical for all intents and purposes for any residential building uses. There was further testimony that the sewage problems would in of gue! . compound nature as to proclude any reason able use of said property in an residential capacity. These factors plus the additional factors of being located mear the Harbor Tunnel approach, the Patapago River and the aforementi and rathroad, all lend to the character of this property to an infuntrial nature as opposed to residential uses.

The Board is unanisous in its spinion that the property in constict was sened in error by the Caltimore County Gennell upon their adoption of the land Uge Hap for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential unages of the

GROER

For the reasons set forth in the aforeguing opinion, it is this 1th day of January, 1962, by the County Board of Auteals, OFFERED that the reclassification p titlemed for, to and the same is hereby granted. Any appeal from this decision must be in accordance with

male No. 1101 of the Rales of Fraction and Procedure of the Court of Appeals

ROBERT J. MATTHEWS 4318 Baltimore Street Baltimore 27, Maryland BALTIMORE COUNTY JOHN N. WIENER. SR. Misc. Docket No. 7 Folio No. 137 File No. 2523 WILLIAM G. REIMEL 4312 Baltimore Street imore 27, Maryland JAMES L. VON HAGEL Baltimore Street more 27, Maryland w. NATHAN H. KALIEMAN IR G. MITCHELL AUSTIN, and CHARLES STEINBOCK, JR., being and constituting the COUNTY BOARD OF APPEALS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Nathan H. Kaufman, Jr., G. Mitchell Austin and Charles Steinback, Jr., constituting the County Board of Apeals 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

No. 5165 Nov. IB

FTHEL V. RAVEIO

nore 27. Maryland

retition or selecte fromes corporation for reclassification of property from an "R-6" Zone to an "M-L" Zone on the Northern Shore Line of Palapses River 470" N. of West Approach to Harbor Tunnel 13th District - filled.

Order of Zoning Commissioner directing advertisement and posting of property – date of hearing set for December 21, 19:0 at 10:00 a.m..

Nov. 30

Certificate of publication in newspaper, filed.

Charles Steinbock, Jr.

Department of Baltimore County: ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

Petition of Reliable Homes Corporation for reclassification of property,

Certificate of posting property filed.

IN THE

CIRCUIT COUR

-

COMMENT BOARD OF AFFRALS OF BALTIMONE GOUNTS

At 10:00 a.m., hearing held on petition by Zoning Co

Mar. 16 Order of Zoning Commissioner denying the reclassification Order of appeal to County Board of Appeals from Order of Zoning

Oct. 26 Hearing on goneal before the Board of Anneals

Jan. 4 1962 Feb. 5 Order of Board of Appeals granting realessification of property.

Order for Appeal filed in the Circuit Court for Baltimore County. Certificate of Natice sent to all Interested parties. Feb. 7

Transcript of butimony filed -

Petitioners' Exhibit No. 1 - Zoning Map - 13th District - June 2, 1959

Patitioners' Exhibit No. 2 - Photogrammetric Man of subject apparet

Petitioners' Exhibit No. 3 - Aprial Photo of subject property

Petitioners' Exhibit No. 4 - Photos - "A--F" 8" x 10" of subject property

Patitioner' Fubibit No. 5 - Ident

Petitionerss' Exhibit No. 6 - Qualifications of J. Walter Jones

Petitioners' Exhibit No. 7 - Metes & Bounds description contained in a Bill of the Boltimare County Council

Record of proceedings filed in the Circuit Court for Baltimore County. Mar. 5

Record of Poroceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceedings, but your Rescondents 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

Respectfully submitted

Secretary to County Board of Appeals of

July 10. 1961

Albert W. Styles, Esq., 5 South Street, Baltimore 2, Maryland

Be: Reclassification of preparty of Reliable Homas Corp., from "R-6" Zom to "H-1" Zone - Northern Shore Line of Patapace River 470" N. West Approach to Marboy Tunnel

Dear .r. Stylen:

The hearing on the appeal filed by counsel for positions forst the decision of the Zening Covalesiems denying the reclassification of prope by in the above matter, he been scheduled by the Board of Appeals for Thursday, August 31, 1961 at 10:00 a.m. in Recui 105, County Office Building, Yosson, Agyland.

Very truly yours

Secretary

oc: A. Paul Conner, Esq., 3011 Maryland Avenue, Baltimore 27, Md.

Mrs. Laurence Mathison, Baltimore Highlands Improvement Ass'n., 2812 Alabama Avenue, Baltimore 27, Md.

和於

ROBERT J. MATTHEWS 4318 Baltimore Street Baltimore 27, Maryland JOHN N. WIENER, SR. 4316 Beltimore St. Beltimore 27, Mary

WILLIAM G. REIMEL 4312 Balcimore Street Beltimore 27. Maryland

and

Appellants

VA. NATHAN H. KAUFMAN, JR., G. LITCHELL AUSTIN, and CHARLES STEINBOCK, JR., being and constituting to COUNTY BOARD OF APPEALS

BALTTHORS COUNTY Minc. Docket

TH THE

CIRCUIT COURT

FOR

Appellees

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal on behalf of the Petitioners and taxpayers to The Circuit Court for Beltimore County from the Opinion and Order of the County Board of Appeals in Zoning Case No. 5165, the said Opinion and Order having been entered on January 4, 1962.

ETHEL V. HAVEIO

JULIUS G. MAUNER 152 Equitable Building Baltimore 2, Maryland MU. 5-8434

ROBERT J. MATTHEWS

Attorney for Appellants

JOHN N. WIENER, SR.

-2-

WILLIAM G. REIMEL

I HEREBY CERTIFY That on this 2, day of February, 1962, I caused to be mailed, postage prepaid, a copy of the aforegoing Order for appeal to Mrs. Bettie L. Cunningham, Secretary, County Board of Appeals, County Office Building, Towson 4, Maryland.

Smeunes

ROBERT J. MATTHEWS 4318 Baltimore Street Baltimore 27, Maryland JOHN M. WIENER, SR. 4316 Baltimore Street Baltimore 27, Maryland

WILLIAM G. REIMEL 4312 Paltimore Street Baltimore 27, Maryland

and JAMES L. VON HAGEL 4308 Baltimore Street Baltimore 27, Maryland

Appellants

VS.

Appellees

PETITION ACCOMPANYING ORDER FOR APPEAL

The Petition of the Appellants in the above-entitled matter, by Julius G. Maurer, their attorney, pursuant to Rule 1101 of the Maryland Rules of Practice, respectfully represents:

1. That prior to the filing of this Petition, the Appellants, who are taxpayers and residents in the 13th Election District of Baltimore County, filed an Order for Appeal in the above matter from the Order of the County Board of Appeals, which was entered by said Board on January 4. 1962: that they are aggrieved, and because of the proximity of their properties to the land of the applicant, are seriously injured by said Order.

2. That after a Hearing before the County Board of Appeals, the said Board on January 4, 1902, filed the following

IN THE

CIRCUIT COURT

POR

BALTIMORE COUNTY

Misa. Docket

"The pstitioner in the instant case seeks to reclassify approximately 102 acres in the Thirteenth
Bistrict of Baltimore County on the morth shore of
the Patapace Niver, 40 feet north of the west
approach of the Barbor Tunnel from a now 78-0;
the Patapace Niver, 40 feet north of the west
approach of the Barbor Tunnel from a now 78-0;
party is described as being bounded on the south
by the Harbor Tunnel approach, on the east by the
Patapace River, on the north by Patapace Newme,
and on the west by the B & A Baltroad. The topocomprised of areas according to testimony is
ground, of which minute parts thereof are firm or
buildable. Ample testimony was given to indicate
that in order to use the subject property for resicential use, one and one-half million to two million
to contain any substantial menuited with pilings
to refree was further testimony that the swage
problems would be of such a compound nature as to
presidential capacity. These said property in an
residential capacity that the several capacity of
this propacety to an industrial nature as opposed to
residential uses.

The Scart of is unanimous in its opinion that the

"The Board is unanimous in its opinion that the property in question was somed in error by the Saltimore County Council upon their adoption of the Land Use Map for the 13th District on June 2 1599, and that due to the aforesentioned factors 1590, and attract the potential usages of the gound under 1th present soning."

3. Upon stating its Opinion as aforesaid, the County Board of Appeals thereupon on January 4, 1962, passed the following Order

"For the reasons set forth in the aforegoing Opinion, it is this 4th day of January, 1962, 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."

#5165

MAP

SE (, 2-A

MH

4/20/62

CIRCUIT COURT

BALTIMORE GOUNTY 13

FOR

File No. 2523

4. That the aforesaid Order of the County Board of Appeals which undertakes to rezone the Applicant's property from "R-6" to an "M-L" classification, whereby your Petitioners and

appellants are aggrieved and injured, is void, without legal force and effect and should, therefore, be reversed, set aside and annulled by this Honorable Court for the following reasons:

-1-

(a) That the evidence adduced at the Hearing before the County Board of Appeals was conclusive that the County Council, prior to adopting the Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County, gave very thorough and full consideration not only to the applicant's land, but also, to many other tracts of land located in the 13th Election District of Baltimore County.

- (b) That there was no evidence adduced before the said Board that the County Council, in adopting the said Comprehensive Land Use and Master Zoning Map (1) made an error in zoning the Applicant's land or that (2) there was any change in the characteristics of the neigh, whood after the adoption of the said
- (c) That the action of the County Board of Appeals represents a clear case of "spot soning" in that the County Council placed in an "R-6" zoning classification large tracts of marginal land which has the same topography and physical characteristics as that of the applicanc's land.
- (d) That the County Council, when adopting the Comprehensive Land Use and Master Zoning Map for the 13th Election District of Baltimore County, din some a portion of the applicant's land for "N-L" use which thus indicates that it thoroughly and fully considered the property of the Applicant and acted without bias and discrimination.
- (e) That at the time of the Hearing before the said County Board of Appeals, testimony was presented that the Department of State Forestry of the State of Maryland was interested in the acquisition of the Applicant's land for the purpose of enlarging and extending what is known as the "Patapsc State Forest Reserve;" that this was confirmed by recent public statements made by Governor Tawes which appeared in the press and elsewhere;

that it is apparent that, in seeking the reclassification of its said land, the Applicant has only in mind the factor of obtaining a higher price therefor with a "M-L" classification than it would obtain if it remained in an "R-o" classification; that this is further apparent from the fact that the applicant filed no plans or specifications with either the Zoning Commissioner or the County Board of appeals as to the proposed use of its property if it were somed "M-L;" that your Petitioners feel, and so allege. that the application for rezoning in this case is not, therefore, bona fide, but rather, as already stated, an attempt to obtain a higher price for the said land.

(f) That if the rezoning of the applicant's land from "R-6" to "M-L" is permitted to stand, then, in that event, the situation described and foreseen by the Court of Appeals in the case of kenz vs. Bonfield Holding Corporation, 158 At. (2), 611 (1960) would be the ultimate result with regard to future zoning in the 13th Election District of Baltimore County.

(g) That testimony was adduced at the Hearing before the Board of County Appeals that the Applicant herein purchased large tracts of land in the developments known as "Baltimore Highlands," "Rosemont" and "English Consul," all of which were developed by it for residential use; that your Petitioners, and their neighbors who are similarly aggrieved by the action of the said Board, testified that they purchased their homes from the Applicant in the belief that the entire area would remain in a residential district.

- (h) That the value of the properties of your Petitioners and of their said neighbors will be considerably depreciated if the decision of the County Board of Appeals is permitted to stand
- (i) and for such other reasons as may be seed med at the time of the Hearing.

-5-

WHEREFORE, your Petitioners and appellants pray:

(1) That this Honorable Court may reverse, set aside and declare null and void and of no legal effect the aforesaid Order of the County Board of Appeals.

(2) That this Honorable Court may take additional testimony, if necessary, and thereafter pass an Order in conformit with the Zoning law and regulations of Baltimore County as applicable to the 13th District.

(3) And for such other and further relief as your Petitioners and Appellants may be entitled.

JULIUS G. MAURER 152 Equitable Building Baltimore 2, Maryland MJ. 5-8434

Attorney for Petitioners and

I HEREBY GERTIFY That a copy of the within Petition Accompanying Order for Appeal was served on the County Board of appeals by mailing a copy thereof to Mrs. Bettie L. Cunningham, Secretary to said Board, this 2 day of February, 1962.

MILIUS G. HAURES

ETHEL V. RAVEIO Itimore 27, Marylan

ROBERT J. MATTHEWS 4318 Baltimore Street Baltimore 27, Maryland

JOHN N. WIENER, SR Baltimore 27, Marylan

WILLIAM G. REIMEL imore 27, Maryland

and

IAMES I VON HACE

NATHAN H. KAUFMAN, JR. G. MITCHELL AUSTIN, and CHARLES STEINBOCK. IR. being and constituting the COUNTY BOARD OF APPEALS

BINSWER TO ORDER OF APPEAL TO CIRCUIT COURT PROSPECT OF APPEALS OF BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerks

Please file. & c.

Secretary to County Board of Annual

#5165 ETHEL V. RAVEIO IN THE 4402 Balt CIRCUIT COURT imore 27. Maryland MAP ROBERT J. MATTHEWS FOR #13 4318 Baltimore Street Baltimore 27, Maryland BALTIMORE COUNTY SE 1, 2-A IOHN N. WIENER SR. 4316 Baltimore Street Baltimore 27, Maryland Misc. Docket No. 7 Folio No. 137 File No. 2523 ML WILLIAM G. REIMEL 4312 Baltin ore 27. Mar JAMES L. VON HAGEL ore 27, Maryland NATHAN H. KALIFMAN. IR.

TO THE HONORARIE. THE JUDGE OF SAID COURTS

CHARLES STEINBOCK, JR.,

being and constituting the

And now come Nathan H. Kaufman, Jr., G. Mitchell Austin and Charles Steinbock, Jr., constituting the County Board of Apeals 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 ertment of Baltimore County:

> ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

Petition of Reliable Homes Corporation for reclassification of property from an "R-6" Zone to an "M-L" Zone on the Northern Shore Line of Patapaco River 470" N. of West Approach to Harbor Tunne. No. 5165 Nov. 18 1960

Order of Zoning Commissioner directing advertisement and posti property – date of hearing set for December 21, 1960 at 10:00 a. Nov. 30 Certificate of posting property filed.

Certificate of publication in newspaper, filed

Dec. 21 1960 Order of Zoning Commissioner denying the reclassification. Order of appeal to County Board of Appeals from Order of Zoning # 13 Apr. 13 SEC. 2-A Hearing on appeal before the Board of Appeals Order of Board of Appeals granting reclassification of property ML Order for Appeal filed in the Circuit Court for Baltimore County.

At 10:00 a.m., hearing held on petition by Zoning Cor

#5165

Petitioners' Exhibit No. 1 - Zoning Map - 13th District - June 2, 1959

Petitioners' Exhibit No. 2 - Photogrammetric Map of subject property Patitioners' Exhibit No. 3 - Aerial Photo of subject property

Certificate of Notice sent to all interested parties

Transcript of testimony filed -

Feb. 7

Petitioners' Exhibit No. 4 - Photos - "A--F" 8" x 10" of subject property

Petitioners' Exhibit No. 5 - Ident. Petitioners* Exhibit No. 6 - Qualifications of J. Walter Jones

Petitioners' Exhibit No. 7 - Metes & Bounds description contained in a Bill of the Baltimore County Council.

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 as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceedings, 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

Respectfully aubmit

atory to County Board of Appeals of

REPORE THE

COUNTY BOARD OF APPEALS No. 5165

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now before this Board involves a request by it to rezone part of its land in the Baltimore Highlands Section of Baltimore County (13th Election District) from "R-6" to "M-L". The Petition of the Petitioner was denied by the Zoning Commissioner.

The Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County was adopted by the County Council on June 2, 1959. Prior to the adoption thereof. the Council held public hearings at one or all of which the President of the applicant testified with relation to the subject property The Council, or at least some of its members, made a field inspection of the 13th District, including the Petitioner's land.

There are about 105 acres of land here involved. Of that acreage, 24 acres are what is known as "fast land," and the balance, "marsh land." The land was purchased by the applicant on April 14, 1937.

The Office of Planning recommended that the applicant's land be zoned for "R-40" use. However, at the Hearing before the County Council held on December 21, 1960, Mr. Cavrelis. Deputy Director of the Office of Planning, testified that, becau of insufficient access, low density uses, such as "R-6," reprecented the hest use of the land. Mr. Cavrelia, who was called as a witness by this Board, again reiterated that the land was properly zoned for residential use.

It was conceded by the applicant that no change in the character of the neighborhood has occurred since the adoption of the Comprehensive Land Use and Master Zoning Map for the 13th District.

Petitioner has, therefore, not shown that "R-6" zoning prevents any reasonable use of its property. Furthermore, commercial moning would adversely affect the residentially-zoned ("R-ó") adjoining property to say nothing of the traffic hazards, health and other conditions which a commercial area would produce.

That _t is more expensive to erect dwellings is not the test of whether the zoning given to the Petitioner's land is erroneous. Cities Service Oil vs. Board of County Commissioners; 172 At. (2), 523.

As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14 1937. With one slight exception, all of the land, most of which is marsh land, lying to the west of the Petitioner's land and between the Patapsco River and the Harbor Tunnel Approach, is zoned as "R-o." The instant case is, therefore, a good example of the situation which the Court of Appeals described in Renz vs. Bonfield Holding Corporation, 158 At. (2), 611 (1960) when it said:

"...the way is paved for pleading changed conditions as the basis for further extensions of 'R-O' reclassification in the larger adjacent area to be a second of the conditions and as 'R-O' (the basis 1955 coning of this mearway of the conditions are second of the conditions of the second of the beautiful of the undermining of soning in this larger area of the beautiful of the context of the conditions of

In the report of the Office of Planning dated May 5. 1959 addressed to the County Council it was stated:

dressed to the County Council it was stated:

"Another basically different approach is that of
the use proposed on the plan by the planning
the proposed on the plan by the planning
the proposed of the plan by the planning
the proposed of the planning band, for the
land lying between the tunnel throughway and the
Patapseo diver. All of this was shown on the
Master Plan of Zoning as N-40' zoning. The
proposed Zoning Wap has been changed in the
sestern perion to N-L' zoning and in the western
zoning we believe the land is no nore suited for
development in houses on acre lots than it is for
development for industrial buildings or plants.
This is all low land, much of it mempy, and the
greater part of it subject to flooding at times of
high water. It is practically cut off from the
under the expressions at a few points was provided
from the higher land in order to give the minimum
necessary access to the cut-off strip. In one
case, access was specifically provided to the
prospective state park property. In another, prospective state park property. In another, south of Calvert Distilleries, a narrow tunnel prospective state park proparty. In another sizes as come to the river reparty. In another sizes as come to the river reparty from which topsoil is now being sold. The strip of riverside land between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has its only underpass which was provided for the State Department of Forest and Farks. The next strip, between Hammonts Perry Road and the Expressway, has access only from Hammonds Perry Road. The strip between Hammonts Perry Road and the Expressway, has access only from Hammonds Perry Road. The strip between the Perry Road and Perry Road. The strip between the Perry Road and Perry Road and Perry Road and Perry Road Perr

It will be noted from the above-mentioned report that. in preparing its report for the Council's consideration, the Office of Planning considered "access.....to the prospective State Park property." It was testified that the Petitioner's property is being considered by the State Department of Forest and Parks as an extension to the Patapsco State Forest.

It will be further noted that the Office of Planning in its report of May 5, 1959, did say:

"The proposed Zoning map has been changed in the eastern portion to 'M-L' zoning and in the west portion, 'M-H' zoning."

in connection with spot zoning in its opprobrious in connection with spot zoning in its opprobrious sense. As was said in Gassel vs. Vayor and City Council of Saltinger, 195 Md. 348, 355, 73 At. (2), 485, 485 mounts salver the criginal soundness of time would salver the original soundness of the comprehensive plan and tend to produce conditions almost as chaotic as existed before zoning.

Respectfully submitted,

albert W. Style

& snauer Attorneys for Protestants

In adopting the Map on June 2, 1959, the Council did zone a part of the applicant's land in the eastern section as "ML-1," and in the western section, as "ML-2."

It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its affiliates in the developments known as Rosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

All of the property north of Baltimore Street and south of Annapolis Road is zoned for "R-6" use. In fact, one of the witnesses for the opponents testified that her property, which lies directly north of that portion of the applicant's property zoned as "ML-1," is zoned for "R-6" use. If, therefore, any error was made by the Council, it was in favor of the applicant.

It is further significant that no plans at all were furnished by the applicant at the Hearing. In the absence of any plan, and in the further absence of any evidence as to the feasibility of such a plan, on what basis can the Board decide, except upon sheer guesswork, that the applicant under the present zoning of its land isr't able to make any reasonable use thereof?

We submit, therefore, that the applicant has not met the heavy burden of establishing that the Council erred with regard to the classification given its land when it adopted the Comprehensive Land Use and Master Zoning Map on June 2, 1959.

In the case of Reese, et al, vs. Julius Mandel, et ux, decided by the Court of Appeals of Maryland on January 13, 1961 and reported in the Daily Record of February 1, 1961, the Court

"There can be little doubt that in Maryland it is no business of the courts to zone or rezone pro-perty. We have stated, and repeatedly restated,

that this is a <u>legislative function</u>, and, in reviewing the action of the soning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discriminatory or illegal." (Underscoring supplied)

And further:

"....we start off with a strong presumption of the validity of the classifications made when the comprehensive map was adopted, and those who attack the classifications bear a heavy burden of overcoming the presumption of their validity - heavier in the case of comprehensive soning than in the case of piecemeal zoning."

Again in the Reese case, the Court stated:

"The statement of Mr. Muller that he thought an error had been made was not conclusive o that fact, even though ne was a member of t legislative body that adopted the map."

In the case of Overton vs. Board of County Commissioners 225 Md., 212, decided May 3, 1961, there was testimony that the original zoning of "R-R" was in error and the owner therefore of the owner's land petitioned for a reclassification/to "R-10" (Multiple Family, Medium Density Residential). The District Council, after hearings granted an "R-18" classification (apartments). The Court of Appeals in quoting from the staff report said:

"the property 'does not appear to be ideally swited for single-family detached residential development but is switable for spartment development; that this use 'would not be contrary to the best interests and general welfare of the public and sould have the least adverse effect upon the adjoining properties in the area."

The reason for citing this particular case, which also involved drainage problems, is because the owner in that case petitioned for a reconsideration of the zoning of its land by the Planning Board of the Maryland National Capital Park and Planning Commission That agency, after hearings, recommended the change to "R-18" after further careful study of the subject property. In the instant case Mr. Gravelis testified that it was still the considered opinion of the Office of Flanning that Reliable's land, that is to say that part of which was zoned "R-o." was adaptable to residential development and that the "R-6" classification should remain. The

PAGE A 30

THE EVENING SUN, BALTIMORE, WEDNESDAY, MAY 9, 196.

Court Upholds Rezoning

owner today by Judge.

The public bearings are the public bearings and the contraversal lowers in the immediate engineer of public with public bearings and the contraversal lowers in the immediate engineer of public with public and the public bearings are the public bearings and the contraversal lowers in the immediate engineer of public with public and the public bearings are the public bearings and the contraversal lowers in the immediate engineer of public bearings and the public bearings are the public bearings are the public bearings are the public bearings and the public bearings are the public bearings are the public bearings are the public bearings and the public bearings are the public bearings are the publi ned tract lies 420 feet The beard had stated in its sented

JULIUS G. MAURER

February 2d, 1962

January b. 1962

Reliable Homes Corporation-Petitioner 13th District R-6 Zone to an M-L Zone

Dear Mr. Maurer

Attached is copy of Opinion and Order passed by the Board of Appeals tolar in the above matter.

Mrs. Bettie L. Cunningham, Secretary, County Board of Appeals, County Office Building, Towson -4, Maryland.

Dear Mrs. Cunningham: - Appeal 5165

Appeal dated today as well as copy of the Petition which accompanied the order. The original papers will be filed in the Circuit Court tomorrow, February 34.

Please forward to me bill for the cost of the appeal and I will mail check promptly.

Very truly yours,

Juis & man

BEFORE THE

COUNTY BOARD OF APPEALS

No. 5165

refrirerritation (1941)

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now tefore this Board involves a request by it to resone part of its land in the Saltimore Highlands Section of Baltimore County (1)th Election District) from "R-O" to "N-L". The Petition of the Petitioner was donied by the Zoning Commissioner.

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-5-

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That it is more expensive to erect dwellings is not the test of whether the zoning given to the Petitioner's land is erroneous. Cities Jervice Oil vs. Board of County Commissioners; 172 At. (2), 523.

As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14, 1937. With one slight exception, all of the land, most of which is marsh land, lying to the west of the Petitioner's land and between the Patapaco River and the Harbor Tunnel Approach, is somed as "R-6." The instant case is, therefore, a good example of the situation which the Court of Appeals described in Rens ws. Bonfield Holding Corporation, 158 At. (2), 611 (1960) when

"...the way is paved for pleading changed conditions as the basis for further extensions of W.-G' re-classification in the larger adjacets of the control of

In the report of the Office of Planning dated May 5, 1959 addressed to the County Council it was stated:

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"Another basically different approach is that of
the use proposed on the plan by the planning.

The use proposed on the plan by the planning.

It was not been the tunnel throughway and the
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the prospective Beltway alignment, the longest
single strip without interruption, has its only
underpass which was provided for the State Bepartented of forest and Parks. The next artip, between
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It will be noted from the above-mentioned report that, in preparing its report for the Council's consideration, the Office of Planning considered "access......to the prospective State Park property." It was testified that the Petitioner's property is being considered by the State Department of Forest and Parks as an extension to the Patapaco State Forest,

It will be further noted that the Office of Planning in its report of May 5, 1959, did say:

"The proposed Zoning map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'M-H' zoning."

-6-

in connection with spot zoning in its opprobrious sense. As was said in Gassel vs. Nayor and City Council of Baltimore, 195 Md. 342, 355, 77 At (2), 485, 489:increase in "spot zoning" in course of time would subvert the original soundness of the comprehensive plan and tend to produce conditions almost as chaotic as existed before soning."

Respectfully submitted

ALBERT W. STYLES

JULIUS G. MAUSER

Attorneys for Protestants

In adopting the Map on June 2, 1959, the Council did zone a part of the applicant's land in the eastern section as "ML-1." and in the western section, as "ML-2."

It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its effiliates in the developments known as Kosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

All of the property north of Baltimore Street and south of Annapolis Road is monad for "R-6" use. In fact, one of the witnesses for the opponents testified that her property, which lies directly north of that portion of the applicam.'s property monad as "NL-1," is somed for "R-6" use. If, therefore, any error was made by the Council, it was in favor of the applicant.

It is further significant that no plans at all were furnished by the applicant at the Hearing. In the absence of any plan, and in the further absence of any evidence as to the feasibility of such a plan, on what basis can the Board decide, sxcept upon sheer guesswork, that the applicant under the present soning of its land isn't able to make any reasonable use thereof?

We submit, therefore, that the applicant has not met the heavy burden of establishing that the Council erred with regard to the classification given its land when it adopted the Comprehensive Land Use and Master Zoning Map on June 2, 1959.

In the case of Reese, et al, vs. Julius Mandel, et ux, decided by the Court of Appeals of Maryland on January 13, 1961 and reported in the Daily Record of February 1, 1961, the Court said:

> "There can be little doubt that in Maryland it is no business of the courts to zone or rezone property. We have stated, and repeatedly restated,

that this is a <u>legislative function</u>, and, in reviewing the action of the soning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discriminatory or illegal.* (Onderscoring supplied)

And further:

....we start off with a strong presumption of the validity of the classification; made when the comprehensive map was adopted, and those the control of the classification bear a heavy burden of the classification bear a heavy validity - heavier in the ease of comprehensive soning than in the case of placement zoning.

again in the Reese case, the Court stated:

"The statement of Mr. Muller that he thought an error had been made was not conclusive of that fact, even though he was a member of the legislative body that adopted the map."

In the case of Overton vs. Board of County Commissioners, 225 Md., 212, decided May 3, 1961, there was testimony that the original soning of "M-R" was in error and the owner therefore of the owner's land petitioned for a reclassification/to "M-10" (Multiple Family, Redium Density Residential). The District Council, after hearings, granted an "M-18" classification (apartments). The Court of Appeals in quoting from the staff report said:

"the property 'does not appear to be idually suited for single-family detached residential devolopment; but is suitable for agartment development; that this use 'would not be contrary to the best interests and general welfare of the public and would have the least adverse effect upon the adjoining properties in the area.

The reason for citing this particular case, which also involved drainage problems, is because the owner in that case petitioned for a reconsideration of the zoning of its land by the Planning Board of the Maryland National Capital Park and Planning Gesmission. That agency, after hearings, recommended the change to "R-18" after further careful study of the subject property. In the instant case, Mr. Gravelis testified that it was still the considered opinion of the Office of Planning that Meltable's land, that is to say that part of which was zoned "F-0," was adaptable to residential development and that the "R-0" classification should remain. The

ATTOMAC AT LAW
ATTOMAC AT LAW
AT MAIN TRANSPORMANTALE
TOWARD 4. NAMY LAND

October 23, 1961

Mrs. Bettie L. Cunni gham, Secretary County Board of Appeals County Office Building Towson 4, Maryland

> Re: Reliable Homes, Inc. No. 5165

Dear Mrs. Cunningham:

Please enter my appearance as attorney for Reliable Homes, Inc in addition to those attorneys of record presently in the case.

Very truly yours,

WSB:dw

CC: Julius G. Maurer, Esq. Albert W. Styles, Esq.

ped estillan

January 4, 1962

Julius G. Maurer, Esq ligh Equitable Building Calvort & Fayette Sts Ealtimore 2. Maryland

He: Reliable Homes Corporation-Petitioner
13th District
Re-6 Zone to an M-L Zone

Dear Mr. Maurer:

Attached is copy of Opinion and Order passed by the Board of Appeals today in the above matter.

Yours way truly,

Secretary

co: Albert W. Styles, Equ. D. Hoymard Hamilton, Jr., Egg William S. Baldwin, Haq. Flanning & Zoning REFORE THE

COUNTY BOARD OF APPEALS

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now before this Board involves a request by it to remone part of its land in the Baltimore Highlands Section of Baltimore County (13th Election District) from "R-6" to "M-L". The Petition of the Petitioner was denied by the Zoning Commissioner.

The Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County was adopted by the County Council on June 2, 1959. Prior to the adoption thereof, the Council held public hearings at one or all of which the President of the applicant testified with relation to the subject property. The Council, or at least some of its members, made a field inspection of the 13th District, including the Petitioner's land.

There are about 106 acres of land here involved. Of that acreage, 24 acres are what is known as "fast land," and the balance, "marsh land." The land was purchased by the applicant on April 14, 1937.

The Office of Planning recommended that the applicant's land be zoned for "R-40" use. However, at the Hearing before the County Council held on December 21, 1960, Mr. Gavrelis, Deputy Director of the Office of Planning, testified that, because of insufficient access, low density uses, such as "R-6," represented the best use of the land. Mr. Gavrelia, who was called as a witness by this Board, again reiterated that the land was properly sened for residential use.

It was conceded by the applicant that no change in the character of the neighborhood has occurred since the adoption of the Comprehensive Land Use and Master Zoning Map for the 13th District.

In the report of the Office of Planning dated May 5 1959 addressed to the County Council it was stated:

"another basically different approach is that of the use proposed on the plan by the planning staff, and approved by the Planning board, for the last proposed on the plan by the planning staff, and approved by the Planning board, for the land lying between the tunnel throughway and the Patapseo liver. All of this was shown on the Reader Plan of Coming as Weld's soning. The sastern portion was been supported by the Planning and in the vestern sortion, "Hell soning, Actually in proposing "Red's soning we believe the land is no more suited for development in houses on acre lots than it is for This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically out off from the land to the morth by the tunnel route. Access the land to the morth by the tunnel route. Access the land to the north by the tunnel route. Access access to the cut-off strip. In one case, access was specifically provided to the prospective state park property. In another, sive access to the river was a trip of riverside land between the Pennsylvania Railroad and the prospective beltway alignment, the longest single strip without interruption, has atsoniy maderpass which was provided for the State Department of Forest and Farks. The next surlp, between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has atsoniy maderpass which was provided for the State Department of Forest and Farks. The next surlp, between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has atsoniy force and parks. The next surlp, between the prospective Beltway alignment, the longest single strip without interruption, has atsoniy maderpass which was provided for the State Department of Forest and Farks. The next surlp, between the prospective Beltway alignment, the longest single strip without interruption, has atsonit the provided for the State Department of Forest and Farks. The next s

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It will be further noted that the Office of Planning in its report of May 5, 1959, did may:

"The proposed Zoning map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'M-H' zoning."

-5-

Petitioner has, therefore, not shown that "R-6" soning prevents any reasonable use of its property. Furthermore, commercial zoning would adversely affect the residentially-zoned ("R-6") adjoining property to say nothing of the traffic hazards, health and other conditions which a commercial area would produce.

That it is more expensive to erect dwellings is not the test of whether the soning given to the Petitioner's land is erroneous. Cities Service Gil vs. Board of County Commissioners; 172 at. (2), 523.

As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14, 1937. With one slight exception, all of the land, most of which is march land, lying to the west of the Potitioner's land and between the Patapaco River and the Harbor Tunnel Approach, is zoned as "R-6." The instant case is, therefore, a good example of the situation which the Court of Appeals described in Rens vs. Bonfield Holding Corporation, 158 At. (2), 611 (1960) when it said:

... the way is paved for pleading changed conditions as the basis for further extensions of R=0; resetly classification in the larger adjacent areas presently somed as R=0.; (No basis at all 1s and this near-state of the same state of this near-state of the same state of the same state of the same state of the same of the same state of the same of the same state of the

in connection with spot zoning in its opprobrious

Respectfully submitted

ALBERT W. STYLES

Attorneys for Protestants

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It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its affiliates in the developments known as Rosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

All of the property north of Baltimore Street and south of Annapolis Road is zoned for "R-o" use. In fact, one of the witnesses for the opponents testified that her property, which lies directly north of that portion of the applicant's property zoned as "ML-1," is zoned for "R-6" use. If, therefore, any error was made by the Council, it was in favor of the applicant.

It is further significant that no plans at all were furnished by the applicant at the Hearing. In the absence of any plan, and in the further absence of any evidence as to the feasibility of such a plan, on what basis can the Board decide, except upon sheer guesswork, that the applicant under the present zoning of its land isn't able to make any reasonable use thereof?

We submit, therefore, that the applicant has not met the heavy burden of establishing that the Council erred with regard to the classification given its land when it adopted the Comprehensive Land Use and Master Zoning Map on June 2, 1959.

In the case of Reese, et al, vs. Julius Mandel, et ux, decided by the Court of Appeals of Maryland on January 13, 1961 and reported in the Daily Record of February 1, 1961, the Court

"There can be little doubt that in Maryland it is no business of the courts to zone or rezone pro-perty. We have stated, and repeatedly restated,

JULIUS G. MAURER

October 24, 1961

Mrs. Bettie L. Cunningham Secretary County Board of Appeals County Office Building lll W. Jhesapeake avenue Fowson 4, Maryland

In re: Petition for Reclassification from an R-6 Zone to a M-L Zone, Morthern Shore Line of Fatapson River 470; N. of West approach to Harbor Tunnel, Heliable Homos Gornon-Aton, Petitidner

Dear Mrs. Cunnincham:

In accordance with your telephonic request of this morning, I enclose herewith five copies of my letter of October 23, 1961 in regard to the issuance of Summonses.

> Yours very truly. alius G. Maurer JULIUS G. MAURER

=Wii · wh Enclosures

that this is a <u>legislative function</u>, and, in re-viewing the action of the soning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discrimina-tory or illegal.* (Undersooring supplied)

and further:

.....we start off with a strong presumption of the validity of the classifications made when the validity of the classifications made when the comprehensive map was adopted, and those who attack the classifications bear a heavy burden of overcoming the presumption of their validity - heavier in the case of comprehensive soning than in the case of piecemeal soning."

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"The statement of Mr. Muller that he thought an error had been made was not conclusive of that fact, even though he was a member of the legislative body that adopted the map."

In the case of Overton vs. Board of County Commissioners, 225 Md., 212, decided May 3, 1961, there was testimony that the original zoning of "H-R" was in error and the owner therefore of the owner's land petitioned for a reclassification/to "R-10" (Fultiple Family, Medium Density Residential). The District Council, after hearings, granted an "R-16" classification (apartments). The Court of Appeals in quoting from the staff report said:

"the property 'does not appear to be ideally suited for single-family detached restdential development but is suitable for apartment development; that this use 'would not be contrary to the best interests and general welfare of the public and would have the least adverse effect upon the adjoining properties in the area.'*

The reason for citing this particular case, which also involved drainage problems, is because the owner in that case petitioned for a reconsideration of the zoning of its land by the Planning Board of the Maryland National Capital Park and Planning Commission That agency, after hearings, recommended the change to "R-18" after further careful study of the subject property. In the instant case Mr. Gravelis testified that it was still the considered opinion of the Office of Planning that Heliable's land, that is to say that part of which was soned "R-6," was adaptable to residential development and that the "R-6" classification should remain. The

October 23, 1961

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

Attention: Miss Jeanette C. Harris

In re: Petition for Reclassification from an R-6 Zone to a M-L Zone, Northern Shortline of Patapace River 470 W. of West Approach to Earbor Tunnel, Reliable Homes Corporation, Petitioner

Dear Miss Harris:

Please issue Summonses for the following witnesses:

Joseph M. Dignan, Jr. 3141 Washington Boulevard Baltimore 30, Maryland (Home: 0309 Mount Ridge Road Baltimore 28. Maryland)

W. Brooks Bradley 700 Willow Springs Rose Baltimore 22, Maryland

Ruth Collenberg, Secretary County Office Building, 3rd fl. 111 V. Chesapeake Avenue Towson 4, Maryland

duces tecum, to produce the Minutes of meetings of the County Council preceding the adoption and passage of the Comprehen Land Use and Waster Coning Map for the 13 Election District of Baltimore County

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

duces tocum, to produce the current and Official Comprehensive Land Use and Master Zoning Map for the 13th Election District of Baltimore County.

Thanks -

JGM: evh

JULIUS C. MAURER

-6-

#5165 Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

legal owner... of the property situate and MONOGON ... Reliable Homes Corporation, ...

being in the Thirteenth Election District of Baltimore County, lying to the west and southwest of the western boundary line of Baltimore City, to the east and northeast of the west approach to the Harbor Tunnel and to the south and southeast of Baltimore Highlands, and bounded on the west and northwest by the two parallel high tension transmission lines of the Baltimore Gas and Electric Company and the waters of Patapaco River on the south and southeast, (said property is outlined in red on the plat attached hereto made by J. R.

McCrone, Jr., Inc., Annapolis, Maryland, Dated January, 1959) Zoming Law of Haltimore County, from an R-6 zone to an N-L zone

Reasons for Re-Classification . There was error in the adoption of the Land Use Map for the Thirteenth District of Baltimore County insofar as the above described property is concerned because the same should have been classified. as N-L and not as R-6, and the classification of the same as R-6 bere no substantial relation to the public health, safety, normals or general welfare, and was arbitrary, capticlous and discriminatory.

ruperty to be posted as prescribed by Zoning Regulations.

Reliable Honce Corporation

ADDOCOMY across to put expenses of above re-describation, advertising, posting, etc., upon filing

of this petition, холоским конфексионностической колоккой функционных конфексионностической под

RELIABLE HORES CORPORATION Octon 28th, 1760. Address 18 East Lexington Street

ner of Baltimore County, this 18th day of November 19,60, 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 Reckord Bldg., in Towson, Baltimore County, on 1960 at 10100 clock A. M. the 21st day of ... December

10 A-M

Zoning Commissioner of Baltimor- County

JULIUS G. MAURER

November 14, 1961

Mrs. Bettie L. Cunningham Secretary County Board of Appeals County Office Building

In re: Petition for Reclassification from an R-0 Zone to a M-L Zone, Morthern Shore Line of Patagace Alver 470 N. of West Approach to Marbor Tunnel, Reliable Homes Corporation, Petitioner

Dear Mrs. Cunningham:

I enclose herewith Brief of Protestants in the above-entitled matter.

Yours very truly,

Belin. JUNIUS G. MAURER

Enclosures

3EC 3-A All that parcel of land in the Thirteenth Listrict of Salti ortCounty on the Mcrthwest Shore line of Patageo Giver beginning McO feet North of West approach to the Harbor Tampin (theose running the Salting Salting Salting on the Northwest shore line of Patageo River 11/73 feet; salting Salting

JULIUS G. MAURER October 23, 1961

61

10/25/21

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

Attention: Miss Jeanette C. Harris

In re: Petition for Reclassification from an R-6 Zone to a M-L Zone, Northern Shore Line of Patapsco River 470' N. of West Approach to Harbor Tunnel, Reliable Homas Gorporation, Petitioner

Dear Miss Harris:

Please issue Summonses for the following witnesses:

Joseph M. Dignan, Jr. 3141 Washington Boulevard Baltimore 30, Maryland

(Home: 6309 Mount Ridge Road Baltimore 28, Maryland)

W. Brooks Bradley 700 Willow Springs Road Baltimore 22, Maryland

Ruth Collenberg, Secretary County Office Building, 3rd fl. 111 W. Chesapeake Avenue Towson 4, Maryland

duces tecum, to produce the Minutes of meetings of the County Council preceding the adoption and passage of the Comprehensiv Land Use and Master Zoning Map for the 13th Election District of Baltimore County

Thursday Oct. 34, 1911 John C. Rose, Zoning Commissioner County Office Building 111 % Chesaponike Avenue Towson 4, Paryland

19/20/61 duces tecum, to produce the current and official Comprehensive Land Use and Master

ENTA

January L. 1962

Julius G. Manuar, Seq. 11th Equitable Building Calvert & Payette Sts.

Re: Reliable Homes Corporation-Petitioner 13th District R-6 Zone to an M-L Zone

Dear Mr. Maurer:

Attached is copy of Opinion and Order passed by the Board of Appeals totay in the above matter.

Yours way truly,

ce: Albert W. Styles, Sgq.
D. Heyward Hamilton, Jr., Esq.
William S. Baldwin, Sgq. Planning & Zoning

County Board of Appeals

October 23, 1961

Zoning Map for the 13th Election District of Baltimore County.

Thanks -

Yours very truly, Julius G. Haurer

JGM - evh

Mr. Sheriff.

Please issue summonses in accordance with the above

from an "R-o" Lors to an
"N-L" Long Morthern shore
Line Fatapsee River 570* N. of West Approach to Harbor Tunnel - 13th Dist.,

COUNTY BOARD OF APPEALS BALTIFORS GOUNTY No. 5165

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

The petitioner in the instant case socks to reclassify approxinately 102 acres in the Thirteenth District of Baltimore County on the morth above of the Patapago tiver, ABC feet north of the west approach of the Harbor Turnel from a new Which classification to constacturing light. The property is described as being bounded on the south by the Harkor funcal approach, on the east by the Pataness Siver, on the north by Pataness Avenue. and on the west by the B & A Railroad. The tepography of the ground, seconding to teatimony is comprised of areas of low, marshy, water covered ground, of which minute parts thereof are firm or buildable. Ample testimony was given to indicate that in order to use the subject property for residential upe, one and one-half million to two million cubic yards of fill would be for any residential building uses. There was further testimony that the serage problems would be of such a compound nature as to preclude any reason able use of said aronerty in an residential casesity. These factors plus the additional Cantors of being located mear the Harbor Tunnel approach. the Paterson Rower and the aforements and railroad, all lend to the character of this property to an industrial casure as opposed to residential uses.

The Board is unanisous in its opinion that the property in question was momed in error by the Faltimore County Council upon their adoption of the Land Wee Map for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential usages of the

For the reasons set forth in the aforegoing Opinion, it is this _ lab day of January, 1962, by the County loars of Appeals, CHORRED that the reclassification p titioned for, he and the same is hereby granted. Any appeal from this decision sust be in accordance with Buls So. 1101 of the Sules of Frantise and Procedure of the Court of Appeals 1. Zoning Map 13 th Dick June 2, 1959
2. Photogrammetric Map of Subject Prop.
3. Acrial Photos of Subject Prop.
4. A-F Photos (8x10") of Jak Prop.
5. John. Oualifections of J. Walter fores Metes & Bounds description contained a Bill of the Balto County

Pet Ex

COUNTY SOME OF APPEALS OF BALTING IS C SHITY

Mathan H. Kaufman, Jr.

Charles Steinbook, Jr.

ATTORNEYS AND COUNSELORS AT LA

BALTIMORE 2 August 23, 1961

Hon. Nathan H. Kaufman, Jr., Chmirman, County Board of Appeals, 113 County Office Building, Towson l, Maryland. Re: Reclassification of property of Reliable Homes Corp., from "R-6" Zone to "M-L" Zone-Northern Store line of Patapsco River 170" N. of West Approach to Harbor Tunnel.

Dear Mr. Kaufman

I have received today a copy of the letter under date of the 18th of this month addressed to the "Members of the Board of Appenals. Bultimore County Zoning." by A. Paul Comorn. Esquire, President and Counsel for the First Precinct Community Improvement Association, Inc., with respect to the above matter, and, after talking to Mrs. Harris on the telephone this morning, I understand that she has called this letter to your attention. called this letter to your attention.

As you may know, I mm associated in the trial of this soning case with my partner, Reger B. Willimms, Esquire, and, of course, in view of that fact I would wish to consult with him as to the two requests made of the Board by Nr. Connor in his letter. Innamuch as Nr. Williams is sawy on vonation and will not return to the office until the lith of next south, I mm writing to request that the Board postpone acting upon Nr. Connor's requests until after Nr. Williams has returned and we are able to advise you the position our client wishes to take with respect thereto.

Mrs. Harris also informed me that the Board contemplates setting the appeal for hearing on mext Ostober 26th and upon Mr. Williams' return I shall bring this to his attention so as to advise the Board promptly whether that date is satisfactory to our elient.

I am sending you a copy of this letter in the event that you might need it and shall be obliged if you will acknowledge receipt.

DHHJr.:1ks cc: Julius G. Maurer, Esquire Albert W. Styles, Esquire A. Paul Connor, Esquire

March 16, 1961

Albert W. Styles, Esq., 5 South Street Baltimore 2, Maryland

Bot Potition for Reclassification from an WR-G-Zome to a WR-T-Zom-Northwest Shore of Patapaco River 1850 feet North of West Approach to Harbor Tunnal, 11th District -Baliable Hemes Corporation, Potitionar

Door Mr. Styles

I have today passed my Order denying the reclassification, in the above matter, from an "R-6" Zone to a "M-L" Zone.

Attached is a copy of said Order.

Very truly yours

Zoning Commissioner

oc: A. Paul Connor, Esq., 3011 Maryland Avenue, Baltimore Highlands Baltimore 27, Md.

Julius G. Maurer, Esq., 152 Equitable Building Baltimore 2, Maryland Mrs. Lawrence Mathiseon, Baltimore Highlands Improvement As 2812 Alabama Avenue, Balto. 27,Mi.

Respectfully yours.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WO BUREAU OF PUBLIC SERVICES

Inter-Office Correspondence

December 20, 1960 George R. Lewis

From John Rose

Subject Petition 5165

This office questions the zoning of this tract of land without provision of proper access. The plat as substitted would indicate that the parcel involved does not have frontage to any public street, which would provide vehicular access to

It should be noted that the approach to the Harbor Tunnel Road is a non-access highway.

> George R. Lewis Chief - Permit Section Division of Lani Development

FIRST PRECINCT COMMUNITY IMPROVEMENT ASSOCIATION, INC. +574

- AUG 22'61 AM -3024 VIRGINIA AVENUE BALTIMORE 27, MD.

August 18th 136%

Chad ZONING DEPARTMENT

Reclassification. Reliable Homes Corp. Northern shore line of Patapsoo River adjacent West Approach of Harbor Tunnel.

Members of the

Zoning. Towson. 1. Md.

Board of Appeals.

It is requested that the hearing on this case be held in a county building adjacent to the property involved, such as in new school building on Annapolis Road, --when the Appeal comes up.

The renton for this, is based on the fact that Towen, where such hearings are usually hold, is far distant from this section of the county, and quite inconvenient to residents here, to go to. This puts the opponents to the petition at a great disadvantage.

Also it seems desirable that the Board inquire of the State Fark Commission, its intentions with respect to the development of the property as a part of the Fatapaco Fark system this could have an important bearing on the determination by the Board as to whether to grant the resoning or not, and its effect on the health and welfare of the County, the County of Anne Arundel, and the City of Baltimore, and the State in general.

Since the petitioner has not disclosed its specific intent as to what is will actually do under the permit for recoming, if granted, it is requested that the Petitioner be requested to Turnish the information to this Board and for he information of the residents concormed. This would followed petitioner stand practice which other counties desand not be a hardward petitioner filed for the purpose in question. It would not be a hardward post that the petitioner and would tend to establish their or its, good faith.

Respectfully.

A.PAUL CONNOR. President (and Counsel).

CC to Hershey, Donaldson Williams & Stanley, (D.LH. Hamilton)

BALTIMORE HIGHLANDS 27, MD.

A. PAUL CONNOR

HERSHEY, DONALDSON, WILLIAMS & STANLEY ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2

August 23, 1961



Hon. Nathan H. Kaufman, Jr., Chairman County Board of Appeals, 113 County Office Building, Towson L, Maryland.

Re: Reclassification of property of Reliable Homes Corp., from "R-6" Zone to "N-L" Zone-Northern Shore line of Patapsco River 1701 N. of West Approach to Harbor Tunnel.

I have received today a co. of the letter under date of the 18th of this month addressed to the "Members of the Brand of Appeals. Baltimore County Zoning." by A. Paul Connor, Esquire, Fresident and Counsel for the First Frecinct Community Improvement Association, Inc., with respect to the above matter, and, after talking to Mrs. Harris on the telephone this morning, I understand that she has called this letter to your attention.

As you may know, I an associated in the trial of this zoning case with my partner, Roper B. Williams, Esquire, and, of course, in view of that fact I would wish to consult with him as to the two requests made of the Board by Mr. Comnor in his letter. Inamuch as Mr. Williams is away on veacation and will not return to the office scall the lith of next month, I as writing to request that the Board postpone acting upon Mr. Comnor's requests until after Mr. Williams has returned and we are able to advise you the position our client wishes to take with respect thereto.

Mrs. Harris also informed me that the Board contemplates setting the appeal for hearing on mext October 20th and upon Mr. Williams' return I shall bring this to his attention so as to advise the Board promptly whether that date is satisfactory to our elient.

I am sending you a copy of this letter in the event that you might need it and shall be obliged if you will acknowledge receipt.

Respectfully yours.

Albert W. Styles, Esq.,

cc: Julius G. Maurer, Escuire Albert W. Styles, Esquire A. Paul Connor, Esquire

Re: Patition for Reclassification from an WR-5* Zone to a WR-1* Zone - Horthern Shore Line of Patapace River 1800 M. of West Approach to the Harbor Tunnel, Reliable Homes Corporation, Patitionsr

April 14, 1961

Dear Mr. Styles:

Please be advised that counsel for the patitioner has filed an appeal from the decision of the Zoning Commissioner denying the reclassification in the above matter.

You will be duly notified of the date and pring when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

ect A. Paul Commer, Esq., 3011 Maryland Avenue Baltimore Highlands, Baltimore 27, Md.

Julius G. Maurer, Esq., 152 Equitable Bldg., Baltimore 2, Md.

Mrs. Lawrence Nathison, Baltimore Highlants Imor 2612 Alabama Avenue, Baltimore 27, Maryland mt Ann'm. 5165 BALTIMORI COURTY OFFICE OF PLANNING AND ZONING

November 15, 1964

Albert W. Styles, Esq., 5 South Street Baltimere 2, Md.

Dear Mr. Styles

This is an Information Copy comporting the proposed operation of an open hasp to be heard before the Zoning Counterlearner of Baltimers Country on Tuesday, November 21, 200, at 2010 s. n. in New No. 1 in the Court Notice

Very truly yours

Zonine Commissioner

oct Julius C. Meurer. Esc. 152 Equitable Suildin

> A. Paul Corner, Esq., 3011 Hamiland Avenue Baltimore 27, Md.

Pr. Larrence Mathison, Baltime e Highlands Improvement Ass'n., 2812 Alabama Avenus Baltinge 27. Hd.

"eliable Homes Corp., 18 d. Texington St., Baltimore 2, Md.

July 14. 1961

Massars. Hershey, Donaldson, Williams & Stanley, First National Bank Building Baltimore 2, Md.

Att. Roger B. Williams, Seq.

Re: Reclassification of property of Reliable House Corps, from "Re-6" Zone to "Hell" Zone -Horthern Shore line of Patapeco River 170' N. of Vest Approach to Harbor Tunnel

Dear Mr. Williams:

Your letter of July 13, 1961 requesting a stponement of the hearing, in the above matter, has been

Please be advised that the Board of Appeals has granted a postponument to a later date at which time you will be duly notified of the date and time of the rescheduled hearing.

Very truly yours

Secretary

Nevember 15, 1961

Albert W. Styles, Esq., 5 South Street Baltimore 2, Ma.

Pear Mr. Styles:

This is an Information Copy compounting the proposed operation of an Open Lump to be branch before the Joning Considerations of Baltimers County on Toucher, Newsber 21, 200 as 10:00 a. is. in Home No. 1 in the Court House

Zening Commissioner

oo: Julius O. Marrer, Esq., 152 Equitable Building Hall bere 2, M.

A. Paul Commor, Esq., 3011 Maryland Avenue Sattimore 27, No.

Fr. Laurence Nathison, Baltime e Highlanda Improvement Ann'n., 2612 Alabama Avenno Baltimere 27, bit.

Reliable Numms Corp., 18 S. Lexington St., Balaimore 2, Md.

VALLEY 3-3000

BALTHORE COUNTY, MAR LAND OFFICE OF FINANCE

DATE 2/15/62

Division of Collection and Receipt COURT HOUSE TOSTSON 4, MARYLAND

BILLED County Board of Appeals

Julius G. Maurer, Esq. i52 Equitable Building Baltimore 2, Maryland

1973.00° 01 5101 05 15.00 Cost of Certified Documents re Reliable Homas Corp. \$5165 5.00 6-16-62 637 * * * IIL-

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 #5165

Towson, Maryland

Date of Posting_Nov. 30, 1960

Posted for: ___on_"R-6" Zono_to_an_"M-1." Zono___ Petitioner: Reliable Horas Corp., Location of property: N/W Shore, Line of Patagege Biver 180' N. of tre weak supreach Location of Signs: One sign at the end of Chic Syp. 1 Another at the end of Renn Ave. another at northwest corner of said property and west of approach of Harbor Tunnelli another back on said property Date of return: ___Dov. 1, 1960----Posted by ... George R. Humel

April 12, 1961.



Henorable John G. Rose, Zoning Commissioner of Baltimore County, County Office Building, Towson k, Maryland.

Re: Petition for Reclassification etc. -Reliable Homes Corporation, Petitioner

We duly received the copy of your Opinion and Order entered in the above case on the 16th of last month.

We have been instructed by Reliable Homes Corporation, our client, to enter an appeal from this Order to the County Board of Appeals and, therefore, we hereby appeal from that formal Order. We are also enclosing herewith check in the amount of \$70,00 payable to the order of Baltimore County, Maryland, to cover the initial costs of the appeal.

> Kindly acknowledge receipt of this letter. Yours very truly,

> > Reliable Homes Corporation

Ban B. hilliams

DHHJr:HG

JULIUS G. MAURER
ATTORNEY AT LAW
144-152 EQUITABLE BUILDING
CALVERT AND PAYETTE STREETS ALTIMORE 2. MARYLAND

February 9, 1962

Mrs. Bettie L. Cunningham Secretary County Board of Appeals 300 County Office Building Towson 4, Maryland Dear Mrs. Ounningham:

amount of 35.00 covering cost of certified documents filed in the matter of reclassification of property filed in the matter of reclassification of property filed in the matter of reclassification for partial filed in the matter of reclassification for the filed f

Yours very truly,

CE STRANCE JULIUS G. MAURER

JGM:evh Enclosure

well of deve 230 pm.

5765

July 1/1, 1961.

Albert W. Styles, Esq., 5 South Stratt, Baltimore 2, Maryland

Re: Reclassification of propert of Reliable Hoses Corporation, from "R-6" Zone to "M-1" Cons-Morthern Shore Line of Patapaco River 170' W. of Approach to Harbor Tunnel

Tue to the fact that Mr. D. Hoyward Hamilton, Jr., counsel for the potitioner in the abvec matter, is confined to the Hospital, the hearing selecture on Thursday, August 31,1961 has been postposed to a laber date.

You will be duly notified of the date and time of the re-scheduled bearing.

Very truly yours

Secretary

ec: A. Paul Connor, Esq., 3011 Maryland Avenue Baltinore 27, Md.

Hr. Laurence Mathison, Baltimore Highlands Improvement Assin., 2812 Alabama Avenue, Baltimore 27, Md.

Julius G. Maurer, Esq., 152 Equitable Building Baltimore 2, Maryland

February 7, 1962

Julius G. Maurer, Esq. 152 Equitable Building Baltimore 2, Maryland

Paltimore County, Maryland c/c County Board of Appeals 300 County Office Building

Cost of certified documents filed in the matter of reclassification of property of Reliable Homes Corporation, Northern Shore line of Patapsco River 1/701 N. of West Approach to Harbor Tunnel.

\$ 15.00 - paid a/15/62.

HERSHEY, DONALDSON, WILLIAMS & STANLEY

FIRST NATIONAL BANK BUILDING BALTIMORE 2 April 12, 1961.

APR 1 3 61 AM

Honorable John G. Rose. Zoning Commissioner of Baltimore County, County Office Building, Towson 4, Maryland.

> Re: Petition for Reclassification etc. omes Corporation, Petitioner

Dear Mr. Rose:

We duly received the copy of your Opinion and Order entered in the above case on the 16th of last month.

We have been instructed by Reliable Homes Corporation, our client, to enter an appeal from this Order to the County Board of Appeals and, therefore, we hereby appeal from that formal Order. We are also enclosing herewith check in the amount of \$70.00 payable to the order of Baltimore County, Maryland, to cover the initial costs of the appeal. Kindly acknowledge receipt of this letter.

Pager B. Julliams

DHHJr:HG

August 2h, 1961

A. Paul Connor, Esq., 3011 Maryland Avenue, Baltimore 27, Md.

In reply to your latter of August 16, 1961 with regard to the reclassification of the property of Reliable Homes Corporation, from an "Med" Zone to an "Med" Zone on the northern three line of the Reigness News, And Tota north of the west approach to the Martor Tunnel, it would be impossible for the maring in this case to be heard other than in the County Crice Building in Towon. One of the regulations which this Meard has operated under since its imposition was that all hearings would be heard in the Towson County Office Building.

With regard to the Board inquiring of the State Park Commission, the Board feels whis would be highly improper. The Board will hear the case de nowe at which time both the potitionar and processants will be given ample opportunity to present whatever witnesses they may desire.

You are ruceiving formal, from our office that this case is to be heard on October 26, 1961 at 10:00 a.m. in the County Office Building. If we are unable to conclude the hearing on that date it will be continued at a future date.

Very truly yours

Total Print

ocs Mesors. Marshey, Donaldson, Williams & Stanley, First National Bank Building Baltimore 2, Maryland

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING BALTIHORE 2

February 3, 1961



5165

Honorable John Rose Zening Commissioner County Office Building Towson b. Maryland

Re: Petition for Reclassification Filed by Reliable Homes Corporation - Case #5165

We have received a copy of the letter sent you on the first of this month by Albert W. Styles, Esquire, in connection with the above case.

As to the points which he asks you to consider, we have the

- the 13th District. Actually there were two hearings on the Zoning Plans for the 13th District. Actually there were two hearings, one in Towson and one in Arbutus. He also states that "no soning changes have been allowed" since the adoption of the nap. The fact is that at least four reclassifications have been permitted. They are as follows:
- (n) May 6, 1960 Reclassification of property located at the intersection of Southwestern Boulevard and North Avenue from R-A to R-L; R-L- 1:
- (b) July 26, 1960 Reclassification of property located on the south side of Sulphy Spring Road, 125 feet west of Delores Avenue, from R-6 to R-G; Transport
- (c) August 10, 1960 Reclassification of property located on Cak Street, 130 feet south of Maple Avenue, from R-6 to B-L;
- (d) October 2h, 1960 Reclassification of property, 1960 Reclassification of prope
- (2) Then the minutes of the meeting of the County Council, which were read at the beginning of the hearing, are borne in mind, we think that the only conclusion that can be reached is that the Council did act arbitrarily and erroneously.
- (1) We believe that there is no obligation or reason for Reliable Hones to propose any definite use for the property and we do not understand that that is a necessary condition to reclassification. Nr. Steffey

Honorable John Rose

February 3, 1961

testified that Beliable Homes has place for inpress and agrees, stating that there have been neoptications for obtaining a right-od-way running from the northeast portion of the property to may Patapaco Avenue and that the attorneys for the owners of the property on which the right-od-way would run, who have already indicated their assent, are in the process of getting the confirmation of their cilents. In addition to this new means setting the confirmation of their elients. In addition to this new means of ingress and egrees, the petitioner already has ample access to the property over louisiana, Tennessee, Alabama, Pennsylvania, Michigan, Florida, Vermont, Georgia, Illinois, Vinginia and fish owemas from the Old Annapolis Road to Baltimore Street. It is not apparent My there should be any plans for off-street gailty leaftled that in view of the elevations of the existing sewer in Baltimore Street, it is possible to provide severage disposal by gravity from buildings that high the located at the northwestern boundary of the property lying opposite Baltimore Highlands between New York Avenue and Vermont Avenue. He 'estified that the remaining portion of the property could be serviced by Ifit stations which would disch apparent but dischange could be any problem in view of the topography of the land. These things being true, the reclassification by Mc. cannot possibly result in an impairment of the public health, sefety to M-L cannot possibly result in an impairment of the public health, safety

-2-

- (1) There is no specific evidence as to the actual width of any of the streets in the Baltimore Hablands and Rosmont meas excepting Mr. Harvel's teatinony that Baltimore Street, as presently paved with macadam, is 25 feet wide. Furthermore, to say that nore traffic would necessify follow if the reclassification to M. Is granted is a purely gratuitous assumption. There is no evidence that that would ensue. As a matter of assumption. There is no evidence that that would ensure. As a matter of fact, it is quite possible that if the property is used for light industrial purposes, the traffic would be far lighter than if it is put to residential use as permuted under the present classification of R-6.
- (5) In view of the testimony of Mr. Thompson and Mr. J. Walter Jones on behalf of the Petitioner, it is quite clear that to permit the present zoning classification to stand will result in outright confiscation of its property. The question of the valuation of the property is immaterial and there was no reason why any one representing the Petitioner should be expected to express an opinion as to the fair value of the tract.
- (6) The minutes of the meeting of the County Council show beyond doubt that the reason for classifying the property as Red was to accessed the those public officials, who proposed the Red Council of the property of the Council o

Finally, the evidence is undisputed that the highest and best use of the property requires that it be reclassified as N-L and, instead

August 25, 1961

Messrs. Hershey, Donaldson, Williams & Stanley, First National Bank Beilding Baltimore 2, Maryland

Re: Reclassification of property of Reliable Homes Germantion, Putt Joner

April 14, 1961

Dear Mr. Hantltons

Att. D. Hoyward Hamilton, Saq.

Receipt is hereby neknowledged of appeal filed from the decision rendered in the above matter.

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

Attached is receipt in the amount of \$70.00 a peals costs, also bill in the amount of \$10.00 cost of posting property for the appeal hearing.

Zoning Commissioner

Fetition for Reclassification from an "R-6" Zone to a "M-L" Zone Howthern Shore Line of Patagaso River 170* N. of West Approach to Harbor Turnel, Heltable Homes

Flasse be sovined the hearing on the appeal.

filled in the shore matter from the decision of the Zoning Commission claring the realestification has been re-exhebited by the Board of Appeals on Thursday, October 26, 1961 at 10100 a.m.

Very truly yours,

Garage and

oc: Albert W. Stylen, Esq., 5 South Street Baltimore 2, Namyland

A. Paul Connor, Esq., 3011 Maryland Avenue Baltimore Highlands, Baltimore 27, Ht.

Honorable John Rose

-3-February 3, 1961

of being detrimental to the residents of the area, the making of this change could well lead to a greatly improved condition if an attractive and modern industrial plant could be erected on the property and could be economically and otherwise beneficial to them.

For all these reasons we respectfully request that the Petition for reclassification be granted.

Yours very truly,

Dage & Williams

August 25, 1961

Re: Petition for Reclassification from an "R-6" Zons to a "M-L" Zone Northern Shore Idne of Patapaco River 170' N. of West Approach to Harbor Tunnel, Reliable Homes Corporation, Petitioner

Very truly yours,

Please be advised the the hearing on the appeal filed in the above matter from the decision of the Zoning Commission derying the reclassification, has been re-scheduled by the Board of Appeals on Thursday, October 26, 1961 at 10:00 a.m.

Didiler GF

cc: Julius G. Maurer, Esquire Albert W. Styles, Esquire Mr. A. Paul Conner

Julius G. Maurer, Esq., 152 Equitable Building

on: Albert W. Styles, Esq., 5 South Street Baltimore 2, Maryland

A. Paul Comor, Esq., 3011 Maryland Avenue

Baltimore Highlands Impro 2612 Alabama Avenue, Baltimore 27, Maryland

HERSHEY, DONALDSON, WILLIAMS & STANLE

ATTORNEYS AND COUNSELLORS AT LAW FIRST NATIONAL BANK BUILDING

BALTIMORE 2

July 13, 1961



5165

Mrs. Jeanette C. Harris, Secretary County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson h, Maryland

Re: Reclassification of property of Reliable Homes Corporation, from "F-6" Zone to "M-L" Zone - Northern Shore Line of Patapaco River 170' N. of West Approach to Herbor Turnel

Dear Mr . Harris:

In the absence of Mr. D. Heyward Hamilton, Jr., from the office, I am writing to acknowledge receipt of your letter of July 10, 1961, in which you state that the hearing in the above entitled case on the appeal of Reliable Homes Carporntia has been set for August 11, 1961, at 18020 Å. M. de Wr. Hamilton is now in the hospital, he requests that you postpone this hearing until seed her in Vetcher, 1961, or some date thereafter.

Thanking you to advise either se or Mr. Hamilton of the date of the hearing as postponed, \boldsymbol{I} am,

Roger B. Kelliains

RBW:GF

August 25, 1961

Mecars. Herahey, Donaldson, Williams & Stanley, First National Bank Building Baltimore 2, Maryland

Re: Potition for Reclassification from an Sh-G Zone to a "M-L" Zone from an Sh-G Zone to a "M-L" Zone Horthern Cheor Line of Pahapaco Hiver Low A was to a suppose the second to be harbor Turnal, Reliable Homes Compension, Potitionar

The hearing on the appeal filed in the above matter from the decision of the Zoning Commissioner desping the reclassification has been re-scheduled on Thursday, October 25, 1961 at 10:00 a.m.

Very truly yours

Some tary

Pursuant to petition field with the Deputy Zoning Commissioner of Baltimore County for change or exceeding the Commissioner of Baltimore County, by authority Company, by revisalter described, the Zoning Commissioner of Baltimore County, by authority tions of Baltimore County, will bold a public hearing in Round 108, County Office Building, 111 W. Chenapeda avenus, Towasa, W. Chenapeda avenus, Towasa,

to the country of the handing, it is designed to the country of the Country on the Nariesed Seventh Datrict of Ballimer of the country of the Nariesed Seventh Datrict of Ballimer of the country of the Nariesed Seventh Only of the Country of

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. December 2 , 19 60

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 21st

.19 60 , the first publication day of December

day of December appearing on the 2n1

THE TIMES.

John M. Martin John M. Hartin

Cost of Advertisement \$15.00 Purchase order-P 4916 Requisition no. L 34

December 7, 1960

Mr. John G. Rose Deputy Zoning Commissioner Court Office Building Towson 4. Maryland

At a regularly convened secting of the inglish Consul Democratic Club of the First Precinct of the Initreenth District of Enthisore County, State of Enryland held on Nedmercky, December 7, 1960, the following resolution was unminoscally complete.

Be it resolved that the English Consul Remorratic Club opposes the resoning from k-6 residential to an ML zone the property described in a potition filed by the Kellable Homes Corporation and acheducid for hearing on December 21, 1969 before the Zoning Commissioner of Baltimore County, State of Maryland.

English Consul Democratic Club of the 13th District, Inc.

William T. Marvel

Charles & leur.

DEC . 5'60

April 1h, 1961

Ros Petition for Reclassification from an "B-6" Zeme to a "9-2" Zeme - Horthern Shore Lime of Patapace River 180' H. of Was Approach to the Harbor Tunnel Reliable Homes Copporation,

Dane Mr. Styloat

Please be advised that counsel for the patitionar has filed an appeal from the decision of the Zoning Commissionar down in the reclassification in the above natter.

You will be duly notified of the date and

Very truly yours

Zon ing Committed ones

ocs A. Faul Conner, Esq., 3011 Maryland Avenue Baltimore Highlands, Baltimore 27, Md.

WONNEMAN & STYLES ATTORNEYS AT LAN 5 SOUTH STREET
BALTIMORE 2, MD.

LEGNARD II. WONN

1 February 1961

Mr. John Rose Baltimore County Zoning Commissioner County Office Building Towson-4, Maryland

Re: Reliable Homes Corporation Petition for reclassification R-6 Zone to M-L Zone - Case #5165

The above matter came before you for hearing on December 21, 1960, and was held sub curta pending a possible workable agreement between the Petitioner and the Protestants.

Your office was advised by a copy of the letter sont to Daniel.

Heyward Mamilton, Jr., Eaquire, attorney for the petitioner, that it
was impracticable to enter into an agreement with Reliable Homes Corporation regarding the remoning of the property in question.

It is my understanding that the petitioners have no further evidence or argument to present and close their case. The protestants have no further evidence to present and the matter is now for your determination.

In deciding this matter it is respectfully requested that you consider the following:

That after many public hearings on the Zoning Plans for the 13th District, the Baltimore County Council adopted the present soning map on the 2rd day of June 1959, and no soning changes have been allowed in the 13th District since the adoption of said map;

That in a period of less than two years after the adoption
of the said map the petitioners are requesting a reclassification of
their land from R-5 Zone to M-1 Zone and, if granted, having you
confirm their charge that the Country Council acted arbitrarily, Mistakenly and with caprice.

3. That Reliable Homes Corporation has presented no definite use for the property; have shown no plans for ingress or egress; no plans for off st-eet parting; no plans for proper eversified drainage; all of which items must be considered restanting the measure and extent of ipselferment to public health, existy and selfere.

TELEPHONE

INVOICE BALTIMORE COUNTY, MAR LAND OFFICE OF FINANCE

sion of Collection and R

No. 4565 DATE 1/11/61

To: Mesers. Harshey, Donaldson, Williams & Stanley, First Mational Bank Bldg., Baltimore 2, Md.

BULLED Zoning Department of Baltimore County 113 County Office Bldg.,

01.622 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE Appeal to County Board of appeal in matter of Roclassification of property of Reliable Homes Corp. \$20.00 No. 5165 PMD - Edition County, lett. - Office of the 7000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN LIPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

To: Reliable Homes Corp. 18 E. Lexington Street Balto. 2, Nd.

BALTMORE COUNTY, MARCLAND No. 4137 OFFICE OF FINANCE

DATE12/21/60

Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

BILLED Zoning

DEPOSIT TO AC	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	\$18.00
QUANTITY	DETACH UPPER SECTION AND RELEASE	-
-	Advertising & Fosting on property for Reliable Homes Corp.	h8.00
	First - Dillings County, is a - Cities of Food	
	12-21-65 acg2 · · · 1(L	00.8
	SUFFICE 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.

2/1/61

h. That the streets in the Baltimore Highlands area, where the subject property is located, are very narrow and cannot stand the burden of more traffic that would necessarily follow if the nuclassification from N-O Zone to N-L Zone was granted, thereby creating a damperous and hearingful condition contrary to public safety.

5. That the Petitioners state that they cannot obtain a fair value for the property with its present zoning classification; yet, when asked what they consider to be a fair value, they very adroitly avoid the issue.

That the State Department of Forest and Parks is definitely interested in this land for park use and this fact is known to the Petitioners.

Inasmuch as the Petitioners have advanced no specific plans for the use of the subject land and will not state what they believe to be a fair value of the land, it can only be concluded that the sole purpose for the reclassification to M-L Zone is to obtain a higher price because of its commercial classification in the event the State Department of Forest and Farks condemn the land for park use; and inassmuch as the K-L Zone welld create a condition detriential to public health, safety and welfare, it is respectfully requested that the Petition be defined.

Very truly yours,

belberthestyles

Attorneys for Protestants Julius Maurer 152 Equitable Building Baltimore-2, Maryland

Wonneman & Styles 402 Abell Building Baltimore-2, Maryland

cc: Daniel Heyward Hamilton, Jr., Esquire Julius Eurer, Esquire English Consul Democratic Club

A. PAUL CONNOR

No.332. December 2nd.1960.

John D.Rose. Deputy Zoning Commissioner. Baltimore County. Towson 4. Ed.

REZONING IN 13TH DISTRICT.

Dear Str .

Our members are interested in what the application for rezoning in the above location, that is scheduled for hearing on December 21st. 1960, is for.

The notice states that it will be for "LIGHT MANUFACTURING" We would like to know specifically what such manufacturing is, and that such will be adhered to in the future.

Also the names of the petitioners, with addresses.

Also, the names of those who will do the manufacturing, if

approved, and what their standing commercially and industrially ic.

When they propose to proceed with the project, and where their plans may be inspected, if approved.

> Yours very truly A. PAUL ACOMOR. Common

President, First Precinct Community Improvement Assn



ecember 9, 1960

A. Paul Connor, Esq. 3011 Maryland Avenue Baltimore 27, Maryland

Re: Reliable Homes Corp-13th Dist. NW Shore 'the Patapaco River 480' NW approach Marbor Tunnel

Dear Mr. Connors

John G. Rose

We are in receipt of your letter of the 2nd regarding the above subject property.

Mish to advise the own re are Righle Home Corporation 18 East lexing ton Street, Baltimore 2, Maryland, They have petitioned for Light Neumateuring, however, have not stated that type of summissioning they wish to put in.

If you will have seasons from your office come to the Zoning Department, Room 113, Baitwore County Office Building, our file will be at your disposal.

Yours very truly,

John G.Rose Zoning Commissions of Baltimore County

XB BRACOI NL PD BALTIMORE MD DEC 5

WM T MADUFI POFC

JOHN C ROSE, DLR 930AM DEPUTY ZONING COMMISSIONER

WISH TO INFORM YOU THAT THE ENGLISH CONSUL DEMOCRATIC

CLUB OF THE 13TH DISRICT IS PROTESTING THE PETITION

FILED BY THE RELIABLE HOMES CORP DATE OF HEARING DEC

OF BALTIMORE COUNTY COUNTY OFFICE BLDG 111 CHESAPEAKE AVE

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

DEC - 6 RECU

Posted for leve A- 6 Barreto are My + Bonce Petitioner Reliable Homes Carps Location of property M/W Mare Serie Patasano Sour 1180ft- Worth of the melet approach to ffective Secund let serilet regation or signal revision of signal war regard the except the last, and the of Maly of the Gum let stend het Mit land of raid property 1 west approachif Posted by South Statement Date of return 12 1-60

SOFICE OF ZONING PETITION FOR RECLASSIFICATION —
The Theory DESTRUCT of the Text of the Te

100, County, Office tunning, 111
Maryland and County, 112
Maryland and County, 112
Maryland and Maryland and

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS

THE HERALD - ARGUS

No. I Newburg Avenue

CATONSVILLE, MD.

#5165

Date of Posting 11-30-60

Jeamber 13 1960

THIS IS TO CERTIFY, that the annexed advertisement of John G. Kose Deputy goning Commissioner

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Marysuccessive weeks before land, once a week for Que the 13th day of December 1940, that is to say the same was inserted in the issues of December 1, 1960

THE BALTIMORE COUNTIAN

By Paul I morgan Editor and Manager



English Consul Chamber of Commerce BOIL MARYLAND AVENUE

BALTIMORE 27. MARYLAND

. T MMC -

Hon.Commissioner Rose.
Baltimore County Zoning Board.
County Office Bldg.
Towson 4, Md. HN W. GLADDING

CALER H. JENEINS TAFY GOLDSENS

CIVIO AFFAIRE

CALFO M. JENEINS CONTRIBUTIONS AFFIG & TRANSPORTATION

NOLLY E. FIRMER WODDWON W. MESSES

SEATIONAL FACILITIES CARROLL F WASHERS INDUSTRY A BUSINESS

COUNSEL

- JAN 19 /96 -

C) And C) Red Q) 2 C) Red Q) C SM Q) C

CONING DEPARTMENT January 18th.1961

MN 19

Dear Sir .

The Pirst Precinct Community Improvement Association at its meeting of January 17th, expressed their opposition to the resoning of the property adjacent Baltimore Street in English Consul (Saltimore Highlands) in Saltimore County, to light manufacturing, as patitioned for recently and now before your Board, on the ground that the request is too indefinite , that the petitioner does not intend to pursue the establishment of any project of manufacturing on this property; that in the event they did go shead on such a project, they would use the public streets in English Consul for their trucking , to its detriment; that their contention of being able to use the highways of Baltimore City instead is not founded on fact and from the testimony at the recent hearing, it is understood that the only purpose of the petition is to derive a higher award and commercial benefit, in case the State takes steps

A. PAUL CONNOR. Taul onner President and Counsel for the F.P.C.I.Asm and Counsel for the English Consul Chamber of to Dem.Club.

December 16, 1960

Mr. Rober Williams, Esq/ 1st National Bank Building

Re: Petition for Reclassification from R-6 to M-L for Reliable Homes Corp. NW/ Shore Line of Patapsco River - 13th District

This is to advise you that there is an additional th8.00 due for advertising and signs for the above subject property.

Kindly send check made payable to Baltimore County

Yours very truly,

JOR/b

JOHN G. ROSE ZONING COMMISSIONER OF BALTIMORE COUNTY



Daniel Heyward Hamilton, Jr., Esquire Attorney at Law 1604 First National Bank Building mood & Light Streets

Re: Reliable Home Corp. Petition for Reclassification Property-13th District, Relimore

No. 4688

5165

Baltimore 2, Md.

DATE May h. 19

10.00

Dear Sir:

Please be advised that after several meetings with my client, Please be avised that arter several sectings with my distant, English Commission lessorated Cubb and other organizations in Baltisone Highland Area of the lith District, Baltisone County, that it was decided that it would be impracticable to enter into an agreement with the Ballable Home Corporation regarding the resoning of the property in

Mr. Rose granted a stay in the matter to January 31, 1961. Inamuch as we cannot come to any agreement, it would appear that the next move is to have the case set down for argument, or else substit the case on its merits for determination by Mr. Rose.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts COURT HOUSE

TOWSON 4, MARYLAND

Cost of photing property for appeal hearing

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

Please advise your position in the matter.

WONNEWAN & STYLES

Albert W. Styles

AWS/isl Copy to: Fr. John Rose Zoning Commissioner - County Office Tidg. Towson h, Maryland

Julius Maurer, Esquire

To: Reliable Homes Corp., c/e Charles H. Steffey, Inc., 18 E.Lexington St.,

DEPOSIT TO ACCOUNT NO. 01.622

2 signs

Reliable Henris Conjunction, to Cher. H. Attaffer, Decoylanders, 15 & Aglington Liet.
Dr. Hornard Hagilton, Eag., Earth Hatomal Bank Building

April 14, 1961

Baltimore County, Maryland c/o Zoning Department 113 County Office Building Towson h, Md.

Le :- Release Home of the projections. Cost of posting property for appeal hearing

\$10,00 4

PLHARE RECEIPT AND METTERN CHAS. H STEFFEY, Inc. IS E LEMINGTON STREET BALTIMORE-2, MD.





July 10, 1961

Messrs. Hershey, Donaldson, Williams & Stanley, First National Bank Building Baltimore 2. Maryland

Att. D. Heyward Hamilton, Jr., Esq.

Re: Reclassification of property of Reliable Homes Gorporation, from "R-6" Zone to "M-L" Zone-Northern Shore Line of Patapaco River 470 M. of West Approach to Harbor Tunnel

The hearing on the appeal filed by you on behalf of patitioner from the decision of the Zoning Commissions: denying reclassification of properly in the above matter, has been scheduled by the Board of Appeals for Nureday, Angus 31, 1961 at 10:00 a.m. in Boom 106, County Office Building, Townen, Maryland.

Very truly yours

Licutary

ARST PRECINCT COMMUNITY IMPROVEMENT ASSOCIATION, INC.

anglish Consul Democratic Club. 008 Chio Ave. altimore 27, Nd. thuntion of Louis B.Weber, Seey.



Coor Mr. Heber :

You must be some of the fact that our organization is strictly non-political. It cannot affiliate or appear to not with any strictly solitical sub, before any of the governmental departments, your club fundamentally political, and therefore we cannot become partmers with you in the routing native.

I resigned from your club on being installed as President of the improvement amoutation, to be free of any criticism of using political parsession to influence decisions on any matter before any department of the Courby or State, in which the association is directly interested.

In this way, the departments of the founty and other contramental cost one and our numbers, can have roll confidence in our amountation. This will number the high standard of our organization, which it has enjoyed for the past heutipoons purchase.

with our sincerest best wishes,

A. PAUL OF Fral Councer I am, Yours very bruly.

Provident of F.P.C.I.A.

Al C/mm

DUPLICATE

D. Heyward Hamilton, Esq., First Mational Bank Building Baltimore 2, Maryland

April 14, 1961

\$10.00

Baltimore County, Maryland c/e Zoning Department 113 County Office Puilding Towson L, Md.

Cost of posting property for appeal hearing 2 stone

5/65

June 21, 1962

D. Heyward Hamilton, Jr., Esq., 160k First National Bank Blig., Baltimore 2, Maryland

Dear Mr. Hamilton:

In roply to your inquiry the date the Roliable Homes' property was put on the Thir bench District Land Un: Map was June 20, 1962.

Zoning Comissioner

No. 4070

DATE 11/22/60

5165

BALTI ORE COUNTY, MAR AND OFFICE OF FINANCE

COURT HOUSE TOWSON 4. MARYLAND

Roger B. Williams, Esq. 1st Mational Bank Bldg. Baltimore 2, Maryland

BILLED Soning

Petition for Reclassification - Reliable Homes Corp. 50.00 Paid - Postners Charles Mill - Office of Flor 11-22-60 3234 . . . IIL-50.00

IMPORTANTS 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.

#5165

Zoning Commissioner of Bultimore County County Office Bldg. Touson 4, Maryland

You will find enclosed petition for zoning reclarification dated October 28, 1960, of Reliable Homes Comporation of its property situate in the Thirteenth Election District of Baltimore County, together with check of this firm for \$50,00 drawn to Baltimore County.

HERSHEY, DONALDSON, WILLIAMS & STANLEY ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING BALTIMORE 2

October 28, 1960

Roger B. Willeams

RBW:dnt



PETITICAR'S ADDRESS
PETITICAR'S SIGNATURE
CHECK RECEIVED
NO COFISS OF PLATS
NO COPIES OF PETITION

was

5. 70 Photo required by mr. seell

#5165

NOTICE OF ZONING PETITION FOR RECLASSIFICATION - 13th DISTRICT

Pursuant to puttien filed with the sepaty Zoning Commissioner of Baltinors County for change or reclassification from Red Zone to an Nel Zone of the property heredinater is senting to the County of Baltinors County, by authority of the Zoning Act and Regulations of Baltinors County, will hold a public hearing in Room 108, County Office Building: 111 %. Chesqueak Avenum, Towano, Maryland:

On Wednesday, December 21, 1960

at 10:00 A.M.

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

All that parcel of land in the Tinteenth District of Baltimore County on the Northwest Shore line of Patapseo River beginning 50 feet Morth of Mest approach to the Harbor Tunnal; thence running Rorthwest above Line of Patapseo River Ling feet; thence Morth 15 degrees of minutes West 602.55 feet; thence Morth 11 degrees 53 minutes West 602.55 feet; thence Linding on the Tidal Flats and running control of the County of t

BY ORDER OF JOIN G. ROSE DEPUTY ZENDIG COMMISSIONER

County Council of Baltimore County

Maryland

Legislative Session 1959, Legislative Day No. 5

BILL No. 87

Introduced by Mr. Dignan (1st), Councilman

Amended June 9, 1959.

A BILL

Entitled AN ORDINANCE, to aprove the Zoning Map as amended by the County Council of Baltimore County for the Thirteenth Election District of Baltimore County which accompanies this Bill, superseding the original Zoning the District for the Thirteenth Election District according to the form of the County Commission Baltimore County dated January 2, 1915 and all amendments thereto:

dated January 2, 1945 and all amendments thereos:

SETION 1. Be it enacted by the County Council of Baltimore
County, Maryland, that the boundaries of somes in the Thirteenth Election District are hereby county. Council of Baltimore
County which are a second to the Council of Baltimore County which are the Council of Baltimore County which are Map for the Thirteenth Election District common County dated January 2, 1945 and all amendments
therefor which accompanying coming map is hereby approved,
adopted and declared to be a part hereof.

Metes and bounds descriptions of the various zones and a map showing such zones is available for inspection at the office of Plan.ing and Zoning for Baltimore County, County Office Building, Towson 1, Maryland.

5 SECTION 2. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 9th day of June, 1959. By Order: Lee S. Thomson, Secretary

I hereby certify that this is the original of Bill No. 87, which was introduced and read the first time on the above date.

By the County Council, June 2, 1959.

By Order: Lee S. Thomson, Secretary

ME. HOLLTON

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

THITTHTT

Roger B.Williams, Esq. 1st National Bank Bldg. Baltimore ? Md.

NOTICE OF HEARING

Re: NW Shore Line Patapaco River 480 nw approach Harbor Tunnel -13th Dist. Reliable Homes Corp-Fetitioner

TDE:____10:00 A.M.

DATE: Wednesday, December 21, 1960 PIACE: Recm 106, County Office Building, 111 M. Chesapeake Avenue

Deputy Zoning Cosmissioner

.

Towson, Maryland

Page 2

PRESENTED to the County Executive, for his approval this 10th day of June, 1959.

Lee S. Thomson, Secretary

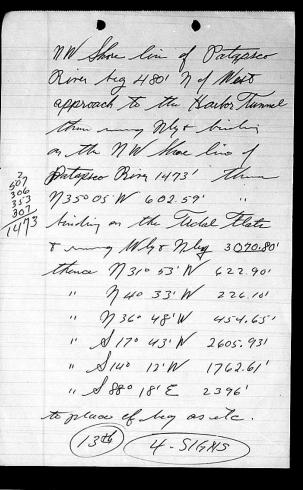
APPROVED AND ENACTED: June 16, 1959. Christian H. Kahl

June 16, 1959.

County Executive

I HEREBY CERTIFY THAT BILL No. 87 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON JULY 31, 1959. Augustine J. Muller

Chairman, County Council



I'm Steffer 18 E kningt H (2/ VP f Colubbillion Cop - 11 years VP against title in 1937. labour property for 20 years a dempiriry for 20 years people for 20 years of property for 20 years gaing Common, removed ML. I informed county council only we would be industrial purposey. Ren in rel Estate bruner for 12 years. Engaged in solo fundustral grapation. Have a right of eagl record to College ace. To Negretating he appended to be to take per ace. Bushy helle of lan lough reports people in France who own property. Belaste Home Cop premarily a land holding Company

Souper of Grau South V. Those prom. 121 alleghing are Doneson 4, 2 Regulat Profession Engineer. - The Transit property in John 1960 - Off to on Exercise property of 40 years. Bellin Cy Geles 1297 - 3/20/21 - I wanted lese much - 49/259 evel not support appropriate from the property and represent from the property from the propert Dev area fact and available . (one) 2 14 decles (Fur) Permot que Peralle to power line. 150 grates winets. Severy, ned & life atoline. Natur-accepted to man & or combould in Valapeer re. I started less me facilité a finance. One half melles dollers for fell. V. Waller Jones Real Estal Ospanier 3min NW parel Compiled suggest parel God un & ML would make home more valuable. County Council in error Occom from Patapser Cox.

. Mr. Steph + Br. Connor Englah Coul Coments Of Patro Hyplash Lay On Recrestion Council for Present lap. Con - Pour & Greent - De Comm Mr. Garoli 1. Staff does not recommend for change 2. How could be seen of \$6. Notice of planning. South to each of four intentity were. Carely Ocean May 26. 1959 - Menitos Part No. 84 Jones May 134 lost. Pages - JE Jewal DE & With - R-90 to R-6 enter i communistry Juing BU No 87 - June 9,1959.

William H. Marcel 3019 Shi Que, 27 Proposed sets. Balling Is. 27 feet pands

A. PAUL CONNOR

December 10th.1960.

Hon. John D.Rose. Deputy Zoning Commissioner. Baltimore County. TOWSON 4, Md.

REZONING IN MIRST PRECINCT (13th District)
OF BALTHORE COUNTY,
No.332.

I wrote you on December 2nd, concerning this matter and the hearing set for same on December 2let, particularly in regard to more specific information as to what the petition for such covers. With this information, the members of this organization and others who are concerned, can intelligently consider the matter and express their views to your board.

It is a hardship to those in this community, to be all the way to Towson a distance of about 14 miles, with public transportation, and incidental expense necessary. Therefore we extend to you the facilities of our military and hall, for your use, when the hearing is had. We trust you am hall, for your thin will also permit a consideration of the matter right of the site, to which the petition refers, as our building is within 200 feet of the sign erected to give notice of the resoning.

With all the good wishes of the season,

A. PAUL COMPR. and owner.
Fresident of the FIRST PREGING COMMINITY

IMPROVEMENT ASSOCIATION.

Re: Reliable Homes Corp-13th Dist. NW Shore Line Patapsco River 480* NW approach Harbor Tunnel

We are in receipt of your letter of the 10th regarding the above subject and wish to advise all public hearings are posted and advertised for the petitioners and are held in Rose 126 Gounty Office Subliding therefore we would be unable to hold this particular hearing other than the way it was advertised.

Yours very truly,

MASTER PLAN RECOMMENDATIONS - THIRTEENTH DISTRICT BALTIMORE COUNTY

Report to the County Executive and the County Council

Since the Council is faced with its first hearing on a District Comprehensive Zoning Plan, the Planning Board, through the Director and Staff of the Office of Planning and Zoning, presents the recounting behind its proposals on the Master Plan of Zoning in relation to other elements in the Master Plan.

a writing this report we are mindful of the apparent confusion between the responsi-In writing this report we are mindful of the apparent contration between the responsi-bilities of Planning and Zoning and the part each plays in guiding the County's growth. Overall, there are two problems confronting us. The first is one of un-resolved conflicts between unreferred county laws under which Planning and Zoning have been operating between unrelated county laws under which Planning and Zoning have been operating in Baltimore County. The second problem is one of interpreting differently the basic appropriateness of various zoning classifications in their application to a Zoning Plan.

The report given to Council by the Director on April 27, 1959 discussed the first pro Ine report given to Council by the Director on APIL 27, IYW discussed the first pro-blem and suggested some revisions of present planning and zoning procedures. This report will deal with the second problem, in terms of the I3th District Zoning Plan-towever, it should be recognized that most of the flaues raised here are pertinent

Under the county zoning law of 1945 the Zoning Commissioner is authorized to prepare Under the country zoning law of 1945 the Zoning Commissioner is authorized to prepare a comprehensive zoning map. When the Country Planning Act was passed in 1955, replacing previous use of the Statewide Planning Enabling Act, the Country Office of planning area surhorized to prepare Master Plans for the Country, including may elements such as higheways, schools, etc., and covering all types of land use both public and private. The Planning Board adopts the various Master Plans and these plans then become vate. The rianning aware doops the values passed that seems the County's official guides for present and future improvements.

The Master Plan for the 13th District as adopted by the Planning Board in October 1958 The Matter Plan for the 13th District as adopted by the Planning Board in October 1958 included a Master Plan for land use zones, for motoways for school-recreation centers, and for paths. These Master Plans prepared at the scale of 1° = 1000°, are subject to ome flexibility. As mentioned above, they are essentially guides for future development of both private land use and of public improvements of the types mentioned. In any properties of the properties of Master Plan preparing the 13th District Master Plan of Zoning the Office of Planning also prepared a series of maps covering the same zoning at the scale of 1" = 202". These are a limed at the precised type of zoning map which it is the function of the Council to adopt these 203' scale maps are turned over to the Zoning Commissioner along with the 1000' scale map of the Master Plan of Zoning as the recommendations of the Office of Planning.

-1-

Different Zoning

In practically every other place in the country such a procedure carries the recommended zoning plan directly from the planning agency to Council, which, after consideration, adopts an official accurate zoning map. In Baltimore County under the sidentillon, adopts an offsicial accurate zoning map. In sortimore County under me County Zoning Act, the Zoning Commissioner, as previously sold, is authorized to prepare a comprehensive zoning map, and recommend it to council. In practice the Zoning Commissioner for the most port has used the Master Plan of Zoning prepared by the Office of Planning as the basis for the maps which he turned over to the County by the Office of Planning as the basis for the mapsy when he to brisk of the public hearing. The Zoning Commissioners defer public hearing. The Zoning Commissioners that sateled, however, that actually there is no reason why he has to pay any attention to that plan if he has ochooses. In most of the previous sectional zoning maps there were relatively few changes made by the Zoning Commissioner. There are probably more in the 13th District map than there have been in previous ones. These changes basically represent a different type of approach by the Zoning Commissioner to the use of certain zones from that which has been the practice of the Planning Board. The great majority of the changes that the Zoning Commissioner has made from the plan as presented to him from the Office of Planning can be grouped into four or five differpresented to him from the Ottice of Pranning can be grouped into four or five differ-ent categories, representing his different philosophy toward the use of certain zones. These will be discussed therefore category by category and the reasons will be given why the Planning staff and Planning Board used certain of these zones the way

First, though, it would be well to identify the land development needs of the 13th District in order to place the Master Plan proposals in proper perspective:

12th Dietelet Land Developme

- (1) To protect and improve, as far as possible, the environmental setting of the existing residential neighborhoods of Baltimore Highlands, English Consul, Lansdowne, Halethorpe, Relay, and Arbutus and the several
- (2) To give constructive attention to the older sections of the District, parts 2) To give constructive attention to the alder sections of the District, parts of which are anothern, and which, because of mistakes of the past (subdivisions with outdated standards, narrow highways, such as Annapolis Road, carrying heavy traffic through residential areas, etc.) have incurred an unplanned mixture of commercial, industrial and residential land uses. In such cases a more clearly defined zoning pattern is defined.
- (3) To improve the present pattern of scattered strip or ribbon commercial development along the frontages of major roads such as Annapolis Road, Southwestern Boulevard, Hammonds Ferry Road, Washington Boulevard, etc.
- (4) To provide for new park land near the 33,000 residents of the District

-2-

- (5) to provide for more shopping facilities close to residential areas not well served now by existing facilities through the provision of zoning for new centers, expanding existing centers or consolidating older strung out develop-
- (6) to provide for adequate coverage of the District with proposed new elementary, junior and senior high schools as well as other public facilities.
- (7) of county-wide significance, to recognize the industrial potential in the transportational, industrial "corridor" the axis of which lines up NE-SW through the Baltimore region and, specifically, in the 13th District, to take adventage of the area's being served by the 8AO and Penna, Rollroadd as well as the Baltimore West-Ington Expressway, tunnel thruway and Beltway.

In summing up, the biggest problems in the 13th Litatrict are due to the area's history of its local roads' being used to serve through highway needs and the consequent mixture oftentime shooty-of land uses along or near these routes. It cannot be emphasized too oftentime shoody-or land uses along or near these routes. It cannot be emphasized too strongly that a bolder approach than has been used in the past is needed, not only to mointain high standards in the areas which are now desirable residential, commercial and industrial sections, but also to revitalize those sections which are now rundown.

While the Master Plan (including recommendations for zoning) in itself offers no magic formula for accomplishing this goal, it does set the stage for it. The following major improvements are proposed in the Master Plan of the 13th District.

- (1) It offers a newly organized pattern of resistantial neighborhoods, each with It otters a nawly organized pattern or restantial neighborhoods, each with its own elementary school and playground. In this plan well over 50% of all existing and future homes are within 1/2 mile walking distance of a school-
- (2) The Plan proposes a revised pattern of major roads including expressways The Plan proposes a revised pattern of major roads including expressways which permits the more narrow local roads to serve the purpose for which they are suited as local collector and feeder streets tying into the system they are suited as local collector and feader streets lying into the system of expressives and major streets. Such a street is the extension of Michigan Avenue in Baltimore Highlands westerly from Annepolis Road to a proposed new infechange at Dalsy Avenue and the Baltimore-Washington Expressives which will relieve Daisy Avenue and the patients with the support of the property of the property of the street of the stree the Plan many new roads are proposed to serve the industrial areas which take such traffic around neighborhoods rather than feeding through them, as in East Halethorpe.
- (3) The recommended industrial zoning pattern does two things it clearly The recommended industrial zoning pattern does two trings - it clearly defines the existing and potentially developable industrial areas by utilizing "barriers" (steep banks, expressway and right-of-ways, streams, etc.) to outline them, while at the same time it increases the area available for new industry which the County will continue to need as its popula-

(4) The zoning pottern recognizes the development potential of the bulk of the land along the Patopaco River for what it is worth. This land is not suitable for buildings lince most of it is awampy or subject to is not suitable for buildings since most of it is swampy or subject to flooding and it should be developed in essentially open space types of private, semi-public or public uses. The proposal by the State or private, semi-public or public uses. The proposal by the state Department of Forrests and Parks, for incorporating the land into the Patapsco State Park, fits into this category.

(5) The Master Plan of zoning also minimizes the existing (or potential) the master rian or zoning also minimizes the existing (or potential) strip commercial zoning along present routes such as Southwestern Blvd. In passing it should be stated that while zoning cannot correct mistakes In passing it should be stated that white zoning cannot correct mistakes of the past where land is presently used or occupied with structures (as on Washington Blvd.), it can and should be appropriately applied to avoid strip commercial zoning if far no other reason than for highway

The Planning Soard approaches zoning on the basis of the highest and best use of any property from the standpoint of the best interests of the whole community. The recommended application of the R-40, M-R and R-A Zones by the Planning Board recommended application of the K-bJ, M-A and K-A Lones by the training poord in the I3th District which have been subject to question is consistent with previous action in other approved District Zoning Maps. The discussion of the specific application of each of these zones follows.

M-R Zone

(I) The M-R Zone is the most restricted manufacturing zone. This Zone requires (1) Ine M-K Zone is the most restricted manufacturing zone. This Zone requires a public hearing on its site plan, a feature which many claim inhibits its use as a mapped zone. According to the Regulations, this zone can either be shown as a mapped one. According to the Regulations, this zone can either be shown on the original comprehensive zoning map or may be asked for by petition. It has been our feeling that there are certain places in which the M-R-Zone shown in the shown directly on the map. We agree that when the M-R-Zone is shown inbe shown directly on the map. We agree that when the M-K Zone is shown in-tifially on the comprehensive zoning map there really is little reason for a public hearing to consider its site plan in detail, such as is provided for when it is oned for as an individual tract. It is this factor in the Zoning Regulations which has caused most of the objection to the M-R Zone on the part of the zoning administrators and others. We are heartily in favor of amending the M-R Zone oam instrators and others. We are heartify in lavor at amending the M-R Zone regulations so as to eliminate the necessity of this public hearing when the zone is shown initially on the map, for what appear to be good and sufficient reasons. Now that does not mean the M-R Zone should not be subject to review of the site Now that does not mean the M-R zane should not be subject to review of the site plan and consideration given say special regulations or requirements that may appear necessary for that particular site. Usually we tend to put the M-R zone where it of learnings does not have relatively direct access to an expression and where it is sometimes close to leave the site of the residential area. We also propose the M-R Zone where it is advisable to have something more of a buffer strip between the residential zone and the semidorations use than it smalled but the M-R. the residential zone and the manufacturing uses than is provided by the M-L or

That does permit conversion of dwellings or construction of apartments where

suitable, and also permits offices of various types as Special Exceptions.
In several cases, new apartments are possible where the land is actually deep

Special Exception, it is possible to have entirely satisfactory control over their

immediately south of the present elementary school for two blocks, and on the opposite side just north of the thruway; also at Hammonds Ferry Road on both

provision for access. In other locations, such as along the Annapolis Road

sides of Fourth Avenue, and approximately opposite the end of Shelbourne

Avenue at Maiden Choice Lane we have proposed R-A Zoning. Here we felt

that R-A Zoning was preferable to commercial zoning because of the proximity

that a -A coming was preferable to commercial zoning because of the proximity to residential uses and the opportunity that the R-A Zone offers for transition between commercial and residential uses, either through conversion of existing

(4) Another type at basic difference of thinking is in a few cases where our

(4) Another type at basic afference of minking is in a few cases where our proposal of B-R zoning was changed to B-L zoning. One of these is a rather lengthy strip along the east side of Washington Boulevard just south of the city

line and a small nortion on the west side, where we felt, because of the major

limited minimum setback of 10 feet, as permitted in the B-L zone. The same

general thinking applied to the strip which we had proposed B-R on both sides

The above explanations account for by far the greater part of the differences in the zoning plan as prepared by the planning staff and approved by the Planning Board, and the zoning map as prepared by the Zoning Commissioner.

the and a small "ortion on the west side, where we terr, because of the major traffic character of this route, the roadside type of zoning was more appropriate, and the required deeper setback of 30 feet was desirable rather than the more

houses to apartments or offices, or for construction of new offices

of Annapolis Road between Arbutus Avenue and the City Line.

enough to permit them, for example, between Southwestern Boulevard and tellogin to permit them, for example, permeen southwestern boulevard and Herbert Run. Apartment projects I end Southwestern Boulevard and Herbert Run. Apartment projects lend themselves better to control of access than do numerous strip commercial uses. Because offices in the apartment zone require

unfair to the property owners to show this land throughout as R-40; even though it meant reclassifying a portion of the M-H Zonewhich had been cut off almost completely from the original M-H Zoning by the tunnel thruway. We feel the same way about the easterly half of the strip, which was left-over R-6 Zoning from the origina zoning map of 1945. We believe that it is actually more realistic to show it in this R-40 Zone than to show it in the M-L Zone in view of the fact that we feel it is completely unsuited for industrial buildings.

9 40 for

In one other sizeable area we recommended R-40 Zoning and R-20, in part for the In one other sizeable area we recommended K-au Loning and K-zu, in part the rough wooded slopes running from the 8&O R.R. along the Patapsco up toward Rolling Road, lying on both sides of Gun Road and Viaduct Avenue but excluding the frontage along both streets. We showed R-10 in recognition of the feasibility of putting lots of that size along these roads. We believe that it is undesirable to encourage the grading and tree cutting and general revision of the rough land slopes of this area and, for ing one nee curring can general revision or the rough cane asopes or this area and, for that reason, we feel that the R-40 is indication of desirable discouragement of such use; not at all an indication that we anticipate its complete use for construction of houses on acre lots, though that of course would be possible on selected sites. Because of the roughness of this area, it is not one in which extension of sewer and water lines should be encouraged, and in general, intensive cottage development is not in the public interest. There are certainly a great many square miles in the Country of this nature, that will and should remain essentially in their natural condition. As noted, there are types of uses in the R-40 Zone that could be put here

B-L. strip

(3) The third basic difference of approach has to do with the use that we made of the R-A or apartment zone in a number of places along traffic streets such as Southwestern Baulevard, Washington Baulevard, and Annapolis Road. On all of these, there are scattered examples of commercial uses along one or both sides. We believe that from the standpoint of traffic safety it is very undesirable to have practically continuous proposed in frontage sections the R-A Zone.

The dominant type of use in this strip along the river has been and is quarrying the dominant type of use in this strip along the river has been and is quarrying or mining for sond and groved. In many places this material has been mined out and there are ponds remaining. In the case of these, some (IIII by with soll has been done, but even when they have been filled the land would abviously be unit for practicable construction of foundations for buildings. In old rections the mining remains to be done and it can be done as a Special Exception 8-40 zone just as well as it can in an M-L zone. Some of this land has already but acquired with the State Description. just as well as it can in an M-L zone. James or this land has already been acquired by the Siate Department of Forests and Parks, one sizeable tract by gift, and others by purchase. It is definitely earmarked by the Siate Department of Forest and Parks for acquisition and is indicated for that purpose on the Master Plan of Parks as adopted by the County Planning Board.

I merely wish to stress that our office does not feel that it was at all unrealistic or

There is one rather large tract which is not governed by the same type of basic there is one terror targe tract which is not governed by the same type of difference of concept of zone that appears to call for explanation and that is the tract immediately south of Sulphur Spring Road and extending from the Pennsylvania rids, immediately sourn or surprur spring kodu and excending from the rennsylvania Railroad casturedly to the prospective eastern side of the interchange between the Beltway and the new U.S. 1. Shown entirely as M-L on the proposed Zanigh with this tract was shown on our plan as B-R in the eastern portion and R-6 in the western two-thirds. We showed B-R Zoning because it is now zoned that way and because

District

to prepare

Actually, there are not many M-R Zones proposed on the 13th District Master Plan of Zones. Particularly, we believe that the two M-R Zones proposed south of the Tunnel thruway, on both sides of Annapolis Road should be in M-R Zoning, partly because the one on the west is so long and narrow and difficult to plan that it because the one on the west is so long and narrow and difficult to plan that it should be tablect to a properly planned arrangement of buildings and spaces for pasking, etc. Without the M-R Zoning it would be possible, under M-I Zoning, to put scattered miscell neavour commercial (and industrial) uses along both side of Annapolis Road. In other words with M-I, Zoning, all the land from the funned throway south about 1000° to the power line just north of Hoffman Avenue could have miscelleneous commercial uses on both sides of the road, which we do not think is desirable. Under the M-R Zone commercial uses are not permitted. The Inink is destrable. Under the M-K Zone commercial uses are not permitted. In M-R Zone provides for high grade types of industrial uses that better assure stability for adjoining residential land. Futher, M-L zoning creates more intensive use of the land than M-R, meaning that more employee traffic and service trucks would be using Annapolis Road, requiring a long trip through residential areas to get to an expressway interchange. Even though the land on the east side of Annapolis Road was more recently zoned by petition B-L in part and M-L for the balance of the tract (and so approved by the Circuit Court), the Planning Board urges M-R zoning. The same general thinking has been applied to the use of the M-R Zone on both sides of Hollins Ferry Road, approximately from the City Line to near the Washington Expressway, intended to serve as a buffer against the residential zone to the west; also, the M-R strip on the north side of Hickory Road and another, west of Hammonds Ferry Road, and in one or two other places, such and another, west or nummonas retry Koda, and in one or two other places, such as the strip adjoining the railroad, and eastward from Rolling Road in Relay. All of these have been changed to M-L on the Zoning Map as submitted for Council hearing by the Zoning Commissioner.

13th District (2) Another basically different approach is that of the use proposed on the plan Patapsco River by the planning staff, and approved by the Planning Board for the land lying R-40 between the tunnel throughway and the Patapsco River. All of this was shown on the Master Plan of Zoning as R-40 Zoning. The proposed Zoning Map has been changed in the eastern portion to M-L zoning and in the western portion, M-H zoning. Actually in proposing the R-40 zoning we believe the land is no more suited for development in houses on acre lots than it is for development fo industrial buildings or plants. This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically out off from the land to the north by the tunnel route. Access under the expressway at a few points was provided from the higher land in order to give the minimum at a few points was provided from the higher tond in order to give the amount of the cut-off strip. In one case, access was specifically provided to the prospective state park property. In another, south of Calvert Distilleries, a narrow tunnel gives access to the river property from which topsoil is now being sold. The strip of riverside land between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has its only access by way of the before-mentioned one way underpass which was provided for the State Department of Forest and Parks. The next strip,

between Hammonds Ferry Road and the Expressway, has access only from Hammonds Ferry Road. The strip between the Expressway and Annpolis Road would be accessible only from Annapolis Road. Finally, the large strip of marshland, much wider than the rest, which lies on the north side of the tunnel thruway between the Patapsco River and the Baltimore and Annopolis right-of-way, would be accessible from Baltimore Avenue, which is the street just west of the old rellroad right-of-way, but would require very extensive filling for almost any kind of use.

R-40 is M-L

We had no thought that this piece of R-40 Zoning even if it were not acquired and we not no inought inst this piece of K-AU Zoning even it it were not acquired or developed for State Park use, would ever be developed with houses on acre lots. Neither can we see the slightest feasibility or justification for building industrial buildings or plants on it. In both the R-40 Zone and M-L Zone, as well as the Both and the control of the control implies the least trend toward intensive development. It is the lowest density zone we have and it is, in our opinion, less indicative of expected residential development than is the case with the M-L Zone in regard to industrial use. I will note the types of uses other than residential which are permitted either auto matically or through Special Exceptions in the R-40 Zone:

Permitted in any case:

b. outdoor recreation club, including day camps

c. community civic, social, recreational or educational activities

I think it is significant to note that if we exclude as reasonable and practicable uses,

regardless of zoning, either industrial plants, or residences, the only uses that can be put in a Light Manufacturing zone which can not also go in the R-40 Zone are a con-

tractor's equipment storage yard, and a storage yard for building materials. On the other hand there are actually more uses suitable for a piece of ground of this type in

the R-40 Zone than in the M-L. These include uses b, c, f, g, h, from the list above

Permitted as Special Exceptions:

d. cemetery e. excavations, controlled

galf driving, minature galf, baseball batting range, etc.

h. riding stable, commercial

sanitary landfill

shooting range
wireless transmitting and receiving structure

-7-

it will be entirely absorbed in the aforesaid interchange of U.S. I and the Beltway

We felt that there was no reason

M-L on Sulphur Spring Road west of Southwe change the present B-R Zoning inasmuch as it would be utilized anyway and we falt the change to M-L Zone would imply a potentiality of use which does not now appear to exist. As to the remainder of the M-L Zoning, which we showed R-G, at one time in an earlier stage we did consider and actually showed the area on the map proposed for industrial use. That was a result of severe things: proximity of the railroad, the rather rough character of the topography sessiting from mining operations, but most of all because, before the new QL-W Spring Road and the Beltway. When the new U.S. I came into the picture, the publishing from mining operations, but U.S. I came into the picture, and the picture of the proposed to be an interchange between Sultility of the local access to the Beltway from Sulphur Spring Road was stillniments in the 13th District, it was brought to our attention that there was strong act. The picture of the proposed to the sulface of the picture of the picture of the picture of the picture. The picture of the pictu

Other Minor Variances There are a number of other minor changes which perhaps need not be discussed in detail, for example, the change from our suggested R-IO Zoning for the Arbutus Memorial Cemetery to R-O Zoning, inasmuch as this property is committed to that type of use we do not feel that this is important one way or the other. The change to R-O Zoning of a tract, and the westerly side of francis Avenue and back of the R-IO frontage of existing lots which are of that lot size is of minor significance. This is the type of thing which we could have agreed on in discussing this whole plan prior to its adoption by the Planning Board.

I think it may be said there can be and undoubtedly are honest differences of opinion as to appropriateness of the types of areas that have been referred to, and the manner under the correlation of zoning and the said of zoning and zo

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MINUTES OF THE ELEVENTH MEETING BALTIMORE COUNTY COUNCIL HELD MAY 26, 1959 Legielative Day No. 3

The meeting was called to order at 2:10 P.M. by the Chairman and the invocation was given by the Reverend Fred Scott of Loyola College. The following Councilmen were present:

Joseph M. Dignan, Jr.
First District
Forothy N. Boone
Augustine J. Muller
J. Cavendish Earrell
Fourth District
Fale Anderson
Joseph L. Schield
W. Brooks Bradley
Sevent Estrict

The meeting was held in Room 301 with an audience of approximately one hundred and twenty-five persons present.

The Journal Entries for the meeting of May 19, 1959 were read and on motion by Mr. Darrell, seconded by Mrs. Boone, approved as read.

Enrollment of Bills

There were no bills enrolled at this meeting

Introduction of Bills

Bill No. 77. introduced by Mr. Dignan, entitled AN ACT, to add Section 1-9.1 to title "General Provisions" of the Baltimore County Code 1958, to require the publication annually of the detailed expenses of the County.

Bill No. 78, introduced by Mr. Muller, entitled AN ACT, to repeal Section 9-2 of title "Election Estricts" of the Baltimore County Code 1958, and to enact in lieu thereof a new section 9-2 of title "Election Instricts", said new section to stand in place of the article so repealed, generally describing and establishing with accuracy and particularity the boundaries of each of the fifteen election districts of Baltimore County, Maryland.

BILL No. 79, introduced by Mr. Muller, entitled AN ACT, to amend Section 38-16 and to repeal the third paragraph of Section 38-16 if the "Electricity" of the Baltimore County Code 1936 in the Code 1936 in

Bill No. 80, introduced by Mr. Muller, entitled AN ACT, to amend Section 200.8 of the Baltimore County Plumbing Code, 1956, to require a deposit of \$25,00, with a request to correlation of material between the Planning Board and the Zoning Commissioner since it is preferable from all points of view to get reactions from the Zoning Commissioner prior to the adoption of the Master Plan of Zoning by the Planning Board.

MHD:vbm May 5, 1959

the chief engineer to locate a sewer connection.

Bill No. 81 introduced by Mr. Muller, entitled AN ACT, to amend Section 31-1 of title "Traders" of the Baltimore County Code 1958, to provide that a Schedule and Return of Personal Property of Individuals and Firms be filed as an additional prerequisite to the

Bill No. 82, to amend Section 13-32(a) of title "Health and Sanitation", sub-title "Garbage, Trash, and Other Offensive Matter" of the Baltimore County Code 1958, to extend to shopping center properties the prohibition against the placing of garbage and trash in or many subject of the properties of the prohibition against the placing of garbage and trash in or many subject of the properties of the prohibition against the placing of garbage and trash in or many subject of the properties of the prohibition against the placing of garbage and trash in or many subject of the properties of the properties

Bill No. 83, introduced by Mr. Bradley, entitled AN ACT, to add Section 3-10.1 to title "Animale", sub-heading "Dogs", of the Baltimore County Gode 1958, to prohibit dogs from running at large within the Metropolitan Elstrict of the County, to authorize the impounding and destruction under some circumstances of such dogs, and to provide penalties for the violation of the provisions of this section.

Bill No. 84, introduced by Mr. Moftler, entitled AN OR EINANCE, to approve the Zoning Map for the Thirteenth Election District of Baltimore County which accompanies this Bill superseding the original Zoning Use District Map for the Thirteenth Election Listrict accompanying the Resolution of the County Commissioners of Baltimore County dated January 2, 1945 and all amendments thereto.

Call of Bills for Final Reading and Vote

BILL NO. 60 was called and passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Dignan, Muller, Darrell, Anderson, Schield and Bradley

lav - None

BILL NO. 61 was called and passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Dignan, Muller, Darrell, Anderson, Schield

and Bradley

BILL NO. 62 was called, whereupon Mrs. Boone, seconded by Mr. Darrell, moved hat Bill No. 62 not be considered at this meeting. The motion was carried unanimously.

BILL NO. 63 was called, whereupon Mr. Bradley spoke and stated that because of the recent introduction of a bill to extend the metropolitan district to the entire county. It would be necessary that Bill No. 63 be amended to make provisions for this contingency. Mr. Bradley thereupon moved to amend Bill No. 63 by deleting therefrom lines 9 and 10 in their entirety and that portion of line no. 8 following "county", and substituting for the deletion in line no. 8 following the word "county", as the same existed on May 1. 1959. The motion in line no. 8 following the word "county", as the same existed on May 1. 1959. The motion was seconded by Mr. Carrell and carried unanimously. Mr. Bradley then spoke in fagor of Bill No. 63 whereupon Bill No. 63 was called and passed by the following roll call was:

February 7, 1962

Julius G. Maurer, Esq. 152 Equitable Building Baltimore 2, Maryland

Re: Potition for Reclassification of property of Reliable Homes Corporation from "R-6 to an "N-L" Zong Northern Shore line of Patapsec Hiver 170' N, of West Approach to Harbor Tunnel 13th District

Dear Mr. Maurer

Nav - None

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 scoring 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 30 days from the date of any petition you might file in Scurt in accordance with Rule 1101 (b).

Attached is a copy of the Certificate of Notice, also bill in the amount of \$15.00 covering cost of certified copies of necessary documents.

Yours very truly,

Secretary

February 7, 1962

D. Heymard Hamilton, Jr., *29. First National Bank Building Baltimore 2, Maryland

> Re: Petition for Reclassification of property of Heliable Homes Corporatio from "Ho" to an "Ho" Zone; Northern Share line of Patapeco Liver 170° N. of West Approach to Harbor Tunnel 13th Bistrict

Dear Mr. Hamiltons

Rotice is hereby given in accordance with the Rules of Procedure of the Court of Appeals of Maryland that an appeal has been taken to the directle Court for Balthouro County from the decision of the County Board of Appeals rendered in the above matter.

Attached is a copy of the Cortificate of Notice,

Yours very truly,

Secretary

oc: Albert W. Styles, Egq. William S. Baldwin, Egq.

Aye - Mrs. Boone and Messrs. Dignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO, 69 was called and the Chairman recognized Mr. George L. Slifker who appeared for Mr. Charles Wheeler. Director of the Department of Permits and Licenses, in favor of the bill. Also present and recognized the Chairman was Mr. Vockel. Chairman of the Plumbing Board, who were the provisions of the bill. Both gentlemen were questioned by Messra, Darrell, Bradley the provisions of the bill. Both gentlemen were questioned by Messra, Darrell, Bradley the Boome, it was thereupon moved by Mr. Darrell that consideration of bill No. 69 be postponed until such time as Mr. Wheeler will be available to appear before the Council. This motion was ecconded by Mr. Bradley and carried unanimously.

Miscellaneous Business

The Chairman advised the Gouncit that the first item of business would be the appointment of the Advisory Planning and Zoning Gommittee and he directed the Secretary to read to the Council the motion made at the meeting of May 14th, creating the committee and describing it's functions. In accordance with the aforesaid motion the Chairman then nominated Mr. John Grason Turnbullts of Towson and a former State Senator. Mr. Turnbullts monthiation was seconded by Mr. Larrell and approved unanimously. Mr. Eignan nominated Mr. James J. Doherty, an Attorney of Gotonsville. he nomination was seconded by Mr. Bradley and approved unanimously. Mrs. Boone nominated Mr. Carl Vohden, a former member of the Zoning Board of Appeals. Mr. Vohden's nomination was seconded by Mr. Arderson and carried unanimously. Mr. Darrell nominated Mr. Atthur Machen. an Attorney of Baltimore Gity. The nomination was seconded by Mr. Bradley and carried unanimously. Mr. Anderson nominated Mr. Kenneth C. Proctor, an Attorney of Towson and former Counsel to the Charter Board. The nomination of Mr. Practor was seconded by Mr. Darrell and Mr. Schield and carried unanimously. Mr. Schield then stated that his nominee would be Mr. Schield and carried unanimously. Mr. Schield then stated that his nominee would be Mr. Schield and carried unanimously. Mr. Schield then stated that his nominee would be Mr. Schield and carried unanimously but hat as a second choice he had Mr. Nathan Kaufmann, former member of the County Board of Appeals. The nomination of Mr. Folke was seconded by Mr. Darrell and passed by the following roll call tote:

Aye - Mr. Dignan, Mrs. Boune and Messrs. Carrell, Anderson and Schield No. Bradley - Mr. Muller and Mr. Bradley was the Mrs. Both Mr. Muller and Mr. Bradley explained that they had not voted against Mr. Folke, but rather for Mr. Kaufmann whom they both knew very well. Mr. Bradley, seconded by Mr. Darrelli, then nominated Mr. Arnold Ficiechmann of Towon. The nomination was approved

Mr. Darrell moved that the next meeting of the Council be held on Thursday May 28, 1959 at 2:00 P.M. and that the newly appointed members of the Advisory Planning and Zoning Committee be requested to be present. The motion was seconded by Mr. Anderson and carried unanimously.

The Chairman then directed the Secretary to read a letter to the Council from Mr. Christian H. Kahl. County Executive, recommending an increase in the salary of Mr. William E. Fornoff, County Administrative Officer, from \$15,000, per year to \$16,000, per year. A copy of this letter is attached to these minutes. On motion by Mr. Dignan, seconded by Mr. Schield, it was thereupon moved to increase the salary of William E. Fornoff, County Administrative Officer from \$15,000, per year to \$16,000, per year. The motion was carried unanimously.

Aye - Mrs. Boone and Messrs. Dignan, Muller, Carrell, Anderson, Schield and Bradley

BILL NO. 64 was then called and Mr. Bradley spoke in favor of this bill. After further discussion the Chairman recognized Mr. Walter Halle, Deputy County Solicitor, who was present at the meeting and asked him to advise the Council whether or not the bill was legally proper. Whereupon, Mr. Halle replied that in his opinion it was. Mr. Anderson spoke against the bill. After further discussion, Mr. Bradley requested that no vote be taken on Bill No. 64.

Bill. NO. 65 was then called and the Chairman recognized Mr. Reland Piel. Buildings Engineer, who was present at the meeting. Mr. Piel explained to the Council that the Buildings Engineer now has no jurisdiction or autority to control the building of piers in the waters of Baltimore County. In reply to a question by Mr. Darrell, Mr. Piel stated that the bill was intended primarily to protect riparian rights of water front property owners. Mr. Schield inquired what the cost of the proposed building permits would be. Mr. Piel stated that they would be within the nonunal building permit brackets. On a question by Mr. Darrell, Mr. Piel stated that the army nigineers who presently have jurisdiction over navigable waters have cooperated with Baltimore County in requiring the builder of a prospective pier to have a Baltimore County building permit. After further discussion, Bill No. 65 was passed by the following roll call vote:

Aye-Mrs. Boone and Messrs. Dignan, Muller, Darrell and Mr. Bradley Nay - Mr. Anderson and Mr. Schield

BILL NO. 66 was called. Whereupon the Chairman advised the Council that Bill No. 83, introduced by Mr. Bradley, also contained proposed changes in the esting dog laws. Thereupon. Mr. Darrell moved that consideration of Bill No. 68 be postponed until such time as Bill No. 83 is called for final reading and vote. The motion was seconded by Mr. Anderson and carried unanimously.

BILL NO. 67 was called and Mr. Brailey was recognized by the Chair and he stated that be liad had many complaints about the situation which Bill No. 67 was intended to rectify. Mr. Schield stated that he felt the word community association appearing in line 6 of the bill might be better defined. After some discussion, Mr. Schield, seconded by Mr. Darrell, moved that Bill No. 67 be amended by inserting between the words "or and community" in line 6, the word non-profit. The motion to amend was carried unanimously. Whereupon Bill No. 67 was passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Dignan, Muller, Darrell, Anderson, Schield and Bradley

BILL NO. 68 was called. Whereupon, the Chairman recognized Mr. Norman W. Wood. Director of Finance, who was present at the meeting. Mr. Wood stated that for some years past the county had been charging \$2.00 for lien reports and the expense for providing these reports now exceeded that \$2.00 charge. In reply to a question by Mr. Anderson, Mr. Wood stated that the county's expenses would be covered by virtue of the proposed increase to \$3.00 for a lien certificate. After further discussion, Bill No. 68 was passed by the following roll call vote:

3-

The Chairman then declared a five minute recess.

Following the recess, the Council reconvened and Mr. Darrell, seconded by Mrs. Boone, moved that the rules of procedure be suspended in order that Bill No. 84 might be considered. The motion carried unanimously. The Chairman then recognized Mr. Bradley who spoke and stated that from a procedural standpoint he was in favor of making such amendments to Bill No. 84 as might be necessary by metes and bounds. He said that he had discussed this with Mr. Wilsie Adams. Zoning Commissioner, and that Mr. Adams had agreed that this would be the best way to amend the bill. The Chairman then recognized Mr. Adams who was present at the meeting and Mr. Adams stated that he will revise all metes and bounds descriptions made necessary by amendments and will have a new map ready before the Council within a

The Chairman then recognized Mr. Dignan who moved that all that area in the 13th Election District of Baltimore County lying to the southeast of the Harbor Tunnel Approach Road and to the east of the W. B. and A. right of way, shown as R-40 on the Master Plan for the 13th Election District, adopted by the Planning Board, be zoned R-6, instead of the various classifications recommended by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell. Mr. Anderson then spoke and asked Mr. Dignan if he thought the subject property was suitable for R-6 use. Whereupon Mr. Dignan replied that he did not think it was suitable for any use. Mr. Anderson then asked Mr. Dignan if his reasons for moving that the subject area be zoned R-6 was to reserve it for park use. Mr. Dignan replied that it was. After further discussion, the question was called and Mr. Dignan's motion carried by the following roll call vote:

Aye - Mr. Dignan, Mrs. Boone, and Messrs. Darrell and Bradley Nay - Mr. Muller and Mr. Anderson

Abstaining - Mr. Schield The Chairman then spoke on behalf of Mr. Anderson and Mr. Schield and himself and stated that they were all in favor of having the subject area acquired and used for a state park. However, they did not feel that the R-6 designation was legally proper.

Mrs. Boone moved that all that portion of an area bounded by Sulphur Spring Road on the northeast, proposed US 95 on the southeast, and the Pennsylvania Railroad on the west, presently zoned R-6, remain R-6, rather than the suggested classification of M-L, submitted by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Dignan, and carried unanimously.

Mrs. Boone then moved that the property known as 1001 Maidenchoice Lane and comprising about two and one-half acres abutting the First District be zoned RA, instead of the RG classification recommended by the Zoning Commissioner; that the property known as 1121 Maidenchoice Lane be zoned RA, instead of the BL classification recommended by the Zoning Commissioner and that the parking lot on the southwest side of Maidenchoice Lane extending southeast to Shelbourne Road be zoned RA. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Schield then moved that six acres, being that portion of a tract of forty acres situate near the intersection of Charleston Avenue and Hollins Ferry Road, owned by John E. McLeod, now zoned B-L, retain the classification of B-L, rather than the recommended classification of RG made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Bradley and carried unanimously.

Mr. Dignan then moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official Zoning map for 19 acres situate at Hollins Ferry Road and Gebb Avenue, owned by Mary Joseph. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Dignan, seconded by Mr. Darrell, moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official zoning map for a lot 150 feet by 285 feet, irregular, at the southwest corner of Hollins Ferry and Hammonds Ferry Roads, owned by Mr. and Mrs. Anthony Goralski. The motion was carried unanimously

Mr. Dignan moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official zoning map for that lot 180 feet by 167 feet on Sulphur Spring Road at Thomas Avenue and owned by Mrs. Laura DeBoy. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Darrell then moved that a tract of land owned by the Severn River Construction Company and situate at the northwest corner of Hickory and Oak Roads be zoned M-L in its entirety, rather than the recommended classification of partly M-L and partly R-6 made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Dignan and carried unanimously.

Mr. Dignan then moved that that tract of land bounded by Georgetown Road on the southeast, by Odensos Lane on the southwest, by an extension of Sulphur Spring Road on the northwest and by the Baltimore City Line on the northeast be zoned R-6 in its entirety, rather than the recommended classification of partly M-L and partly R-6 made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Schield then moved that the Council adopt the recommendation of the Zoning Commissioner on the official zoning map for the area lying southeast of the Washington Boulevard, northeast of Halethorpe Avenue, northwest of the Baltimore and Ohio Railroad, west of the United Hebrew Cemetery, and south by southwest of the old Washington Boulevard. The motion was seconded by Mr. Bradley and carried unanimously.

The Chairman then directed the Secretary to read a letter from Mr. Bernard J. Rykowski to the Council requesting that his property at 126 Third Avenue, Lanedown,, be zoned for commercial use. Mr. Bradley, seconded by Mr. Dignan, moved that the Council adopt the recommendation of the Zoning Commissioner on the official zoning map for 126 Third Avenue, Lansdown, and that the Secretary be instructed to write a letter to Mr. Rykowski advising him to file a petition for the Zoning Commissioner for a reclassification if he desired one. The motion carried unanimously.

Mr. Bradley was then recognized by the Chair and asked if he might direct a question to Mr. Malcolm H. Dill, Director of the Department of Planning and Zoning, who was present at the meeting. Mr. Bradley then asked Mr. Dill if he knew of anything on the official zoning man recommended by the Zoning Commissioner, which the Council had not touched upon that was "outstandingly" bad zoning. Mr. Dill replied that generally speaking he did not. In answer to a further question by Mr. Bradley, Mr. Dill stated that he does not think that there is anything "glaringly" wrong with the present map.

Mr. Bradley was then recognized by the Chair and he said that he had stated earlier in the meeting that he was not aware that the County Executive was going to appoint Mr. Charles E. Lawton as a member of the Appeal Tax Court. He said that his statement had been in error and that he had received a letter from the County Executive advising him that he was going to appoint Mr. Lawton about two months before.

On motion by Mr. Darrell, seconded by Mr. Anderson, the meeting was adjourned at 6:12 P M

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	Towson, A	Aaryland	
the			#5165
District. 13 th			111 -11
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3024 VIRGINIA AVE., Ba	
Dear Member:	
Please attend our meeting Tuesday	Evening, 8 p. m.
KINDLY ADVISE US OF THE DATHE MATTER OF THE REZONING CONSUL ADJACENT BALTIMORE NOW UP FOR APPEAL,	OF THE LAND IN PROTTER
A. PAUL CONNOR 3011 MARYLAND AVENUE ENGLISH CONSUL BALTUMDE 27, MARYLAND	Secretary, Contract

ISDAY IN THE MONTH

