

THELMA WISNER and GUY B. BROWN, Executors of the Last Will and Testament of Esther S. Wisner, Deceased, Legal Owner
THEODORE MARKS, et al (Contract Purchasers)
Appellants
BALTIMORE COUNTY
AT LAW
NATHAN M. KAUFMAN, JR.
G. MITCHELL AUSTIN
CHARLES STEINBOCK, JR.
Consisting of the County Board of Appeals of Baltimore County
Appellees

ORDER
The above matter having come on for hearing, argument of counsel having been heard, the proceedings were read and considered by the Court.

WHEREUPON, it is this 6th day of February, 1962, by the undersigned, one of the Judges of the Circuit Court for Baltimore County, ORDERED that for the reasons set forth in the Opinion of the Court heretofore filed, the decision of the County Board of Appeals dated October 26, 1961, be and it is hereby affirmed.

AND IT IS HEREBY FURTHER ORDERED that the Appellants pay the cost of these proceedings.

John E. Lane, Jr.
Judge

FILED MAR 6 - 1962

MARYLAND SURVEYING AND ENGINEERING CO., INC.
J. Robert Cassell
William S. Smith

1300 N. Calvert Street
Baltimore 2, Maryland
Phone, Mulberry 5-0469

March 29, 1961

5268

PROPOSED RE-ZONING - RECIPES FOOD INC.

(This Description Is Not Based On A Certified Property Survey)

BEGINNING for the same in center of Milford Mill Road at a point in line with the easterly margin of Deerfield Road thence running and binding along the center line of said Milford Mill Road South fifty five degrees, twenty seven minutes, ten seconds West an approximate distance of one hundred and twenty-five feet thence leaving the center line of said road and running North thirty two degrees, thirty four minutes West a distance of approximately three hundred and ninety two feet thence running South fifty five degrees, twenty seven minutes and ten seconds West a distance of two hundred nine and eighty eight one hundredths feet thence running South thirty three degrees, fifty eight minutes, fifty seconds East a distance of six feet thence running South fifty seven degrees, forty six minutes, forty seconds West a distance of two hundred seventy seven and one hundredths feet to a point on the Easterly margin of the Right-Of-Way line of the Western Maryland Railroad thence binding and running with said Right-Of-Way on an arc to the left in a Northwesterly direction a distance of five hundred eighty and thirteen one hundredths feet thence running North forty two degrees, fifty seven minutes West a distance of one hundred and seven and ninety seven one hundredths feet thence leaving said easterly Right-Of-Way margin and running North forty one degrees, six minutes, thirty two seconds East a distance of seven hundred, seventy three and ninety six one hundredths feet thence running South thirty eight degrees, four minutes seventeen seconds East a distance of four hundred and seven and twenty three one hundredths feet thence running South thirty two degrees, twenty three minutes East a distance of four hundred fifty one and sixty three one hundredths feet

RE: PETITION FOR RECLASSIFICATION
from an "M-L" Zone to an "M-L" Zone - 1/2 Milford Mill Road
4 1/2 Western Md. Railroad
3rd District
Thelma Wisner, et al; Petitioner
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5268

This is a petition for Reclassification from an "M-L" Zone to an "M-L" Zone, property located on the Milford Mill Road in the vicinity of the Western Maryland Railroad tracks in the Third District of Baltimore County. The subject property encompasses approximately 1 1/2 acres more or less. Evidence received by the Board clearly indicated that there had been no changes in the immediate neighborhood since the adoption of the Land Use Map of Baltimore County—January 16, 1957.

The Board is unanimous in its decision that the petitioner did not submit sufficient evidence that there had been an error in the original zoning. It seems quite clear that Ventura Lane was used by the County Council as a dividing line between residential and commercial property on the east side of Milford Mill Road. It seems only reasonable that this same line of demarcation of residential and commercial land would be used on the west side of Milford Mill Road. On the west side of Milford Mill Road north of the Western Maryland Railroad tracks, the County Council adopted Manufacturing Light zoning for the property fronting on Milford Mill Road to a standard depth. The petitioner's plea that additional depth should have been placed in an "M-L" zone because of its location adjacent to the railroad tracks does not seem reasonable. If this argument were to be true, all properties in Baltimore County adjacent to railroad tracks would be in an "M-L" category. Certainly this is not true and we find many residential developments adjacent to railroad tracks in Baltimore County.

It is the unanimous opinion of the Board of Appeals that the petitioner failed to show a change in the neighborhood.

ORDER

For the reasons set forth in the foregoing opinion, it is this 26th day of October, 1961 by the County Board of Appeals ORDERED that the petition for reclassification be and same is hereby Denied.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Thelma Wisner
CHAIRMAN

Charles H. Heston, Jr.
G. Mitchell Austin

PETITION FOR ZONING RE-CLASSIFICATION #5268 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, the undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "M-L" zone to an "M-L" zone, for the following reasons:

To use property for a food processing plant, the requested zoning being an extension of an existing M-L Zone.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THEODORE MARKS, Agent for Theodore Marks & Ida Marks & Isadore Rosen & Elisabeth Rosen, Contract purchasers
SMITH & HARRISON
By: Lee Harrison
212 Washington Ave., Towson 4, Md.
VAF 9-6200
N.Y.BUR, GOLMAN & WALTER
VAF 9-1244, Attorneys for Petitioners
Arnold Fischmann
First National Bank Bldg.,
Towson 4, Maryland
VAF 9-1244, Attorneys for Petitioners
ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of April, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 26th day of May, 1962, at 2:00 o'clock P.M.

(over)

LAW OFFICES
SMITH AND HARRISON
MICHAEL PAUL SMITH
W. LEE HARRISON
RICHARD C. J. JONES
GEORGE BARRETT JONES
PAUL E. COOPER
JOHN S. HENNEGAN
212 WASHINGTON AVENUE
TOWSON 4, MARYLAND
August 2, 1961

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

Re: Recipe Foods - North side
Milford Mill Road and East
side Western Maryland Railroad,
Third District - Wisner and Talbott,
Petitioners; Marks and Rosen,
Contract Purchasers.

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your Order denying the above reclassification.

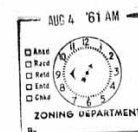
I am enclosing a check in the amount of \$70 covering the appeal costs. If there are any additional charges please advise.

Very truly yours,

SMITH AND HARRISON

By: W. Lee Harrison
W. Lee Harrison

WLH:k
Encl.



Present to the advertisement, posting of property and public hearing on the above petition and that the above described property or area be and the same is hereby DENIED and that the above re-classification be and the same is hereby DENIED. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of April, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 26th day of May, 1962, at 2:00 o'clock P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to M-L and has the following advisory comment to make with respect to pertinent planning factors:

1. From a planning viewpoint, to believe that M-L zoning on the subject tract is a logical and appropriate change, if the development of the site is accomplished in the normal manner indicated on the petitioners site plan. The planning staff has collaborated with other County agencies in setting forth site planning criteria which would give proper recognition to the proposed extension of Slide Avenue, provide adequate turn-around facilities for Island and Marshall Avenues, setup an effective screen between the proposed industrial and extending residential areas, and assure access only through extending industrial area. Under these conditions, we look upon the proposed industrial rezoning as a natural extension of previous zoning to the southeast designated on the map as 3 - M - L - 6 - .
2. The planning staff is not in accord with the creation of industrial use potentials on the triangular parcel formed by the proposed connection between Hillford Mill Road and the Slide Avenue extension. The tract is situated on the plan immediately below the words "Macchia Marittima" and geographically from Drucker Avenue. It is recommended that rezoning on this section be withheld and that the present R-6 zoning be retained.

TELEPHONE NO. VAILLEY 3-3000	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON 4, MARYLAND	No. 4731 DATE 5/15/61
TO: Ryburg, Goldman & Walter Attorneys 1st National Bank Building Towson 4, Maryland	BILLED BY: Soring Department of Baltimore County	
EXP. TO ACCOUNT NO. 01622		TOTAL AMOUNT \$60.00
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Advertising and posting of property for Thelma Wisner PAID - Baltimore County, Md. - Office of Finance	60.00
	2-15-61 4135 = * * TIL -	60.00
	2-15-61 4135 = * * TIL -	60.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.		

TELEPHONE VA TEL 2-3000		VOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON 4, MARYLAND		No. 9716 DATE 12/4/61	
TO: Arnold Fleishmann, Esq. First National Bank Bldg. Towson 4, Maryland		BILL TO BY County Board of Appeals (Coming)			
REPORT TO ACCOUNT NO. <u>01-51-01-5</u>					
QUANTITY		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE			TOTAL AMOUNT \$ 10.00
—		Cost of Certified Documents —Thelma Wimer et al; 1/3 Milford Mill Rd. & 1/3 Western Rd. R.A.			COST 10.00
③		12-161 63-7 * * * * * 121- 12-161 63-7 * * * * * 121-			10.00 10.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.					

PETITION FOR ZONING
DECLARATION
ZONING: From R-2 Zone
to M-1 Zone. 400 feet
of Millard Mill Road and North
of Millard Mill Road to
DATE AND TIME: WEDNES-
DAY, May 25th, 1961, 9:00
P.M.
PUBLIC HEARING: Room 118,
County Office Building, 111 W.
Washington Avenue, Towson, Mary-
land.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Concerning all that parcel of land in the 7th District of Balti-
more.

**PROMISED REZONING
EXCISE, FOUR IN**

THIS DECLARATION Is Not Based On

PROSPECTIVE

BEGINNING for the same in
center of Millard Mill Road at a
point in line with the eastern
corner of Deerfield Road thence
running and bowing along the
center line of said Millard Mill
Road South fifty five degrees,
twenty seven minutes, ten hundred
feet and approximately distance
thence leaving the corner of said
road and running South thirty
three degrees, twenty seven min-
utes, one hundred and thirty two
feet a distance of approximately
three hundred and thirty two feet
thence running South fifty five de-
grees, twenty seven minutes and
ten seconds West a distance of two
hundred feet and eighty four feet
thence running South thirty three
degrees, twenty seven minutes, fifty
eight minutes, fifty seconds East
a distance of five feet thence run-
ning South fifty seven degrees,
forty six minutes, forty seconds
West a distance of two hundred
seventy seven feet and seventeen
feet thence running North thirty
three degrees, twenty seven min-
utes, one hundred and thirty two
feet to the Western Maryland
Railroad thence bowing and run-
ning with said Right-of-Way on
an arc to the left in a Northwesterly
direction a distance of five
hundred eighty and thirty seven
hundredths feet thence running
North forty two degrees, fifty
seven minutes West a distance of
one hundred and seven and thirty
seven hundredths feet thence by
bearing and distance bearing by
bearing and distance bearing by
bearing and running North forty
three degrees, twenty seven min-
utes, one hundred and thirty two
feet two seconds East a distance of
one hundred, seventy three feet
and sixty six one hundredths feet
thence running South thirty eight
degrees, seven minutes seventeen
seconds East a distance of four
hundred and seven and twenty
three hundredths feet thence
running South thirty two degrees,
twenty three minutes East a distance
of four hundred and
thirty three one hundredths
feet thence running South thirty
five degrees, twenty seven minutes
and ten seconds West a distance of
one hundred and ten feet thence
running South thirty
two degrees, thirty four minutes
East an approximate distance of
three hundred and sixty one
feet in the shape of bearing, be-
ing approximately 14 acres, more
or less.

Saving and excepting therefrom
that portion presently owned by
the property of the
County, et al. as the Office of Plan-
ning and Zoning.

BY ORDER OF
JOHN C. ROSE,
ZONING COMMISSIONER OF
BALTIMORE COUNTY.

OFFICE OF
THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
Roxbury, Md.
THE HERALD - ARGUS
Catonville, Md.
THE COMMUNITY PRESS
Dundalk, Md.
CATONVILLE, MD.

May 8, 1961.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County

was inserted IN THE BALTIMORE COUNTIAN, a group
of three weekly newspapers published in Baltimore County, Mar-
land, once a week for One ~~times~~ week before
the 8th day of May, 1961, that is to se-
the same was inserted in the issues of
May 5, 1961.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager

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hundred and seven and two-thirds were
hundredth part, better, bearing South
thirty degrees, twenty-nine and one
half East a distance of four hundred fifty-one
and six-tenths hundredth part, thence
running South fifty-five degrees, twenty-
seven minutes and ten seconds West, a
distance of one hundred and ten feet,
thence North and running South thirty-
two degrees, thirty-four minutes East an
approximate distance of three hundred and
thirty-seven feet to the place of beginning
being approximately 14 acres, more or
less.

Saving and excepting therefrom that por-
tion presently Zoned M-2.

Being the property of Thomas Wilson
et al as shown on plat nine East with the
cities of Lansing and Easton.

By Order of
JOHN G. ROSE,
Zoning Commissioner of
Baltimore County.

May 5



CHARLES H. LINDER
WPC 277-109

AMELIA
EHA

N 38° 04' 17" W
407.25

DREHER AVE.

486

PROPOSED
SLADE AVE

COUNTY COMM. ANNA K. SHEFFER COUNTY COMM.

ROLAND AVE.

SLADE AVE.

JAS. W. WISNER PROP.
W.P.C. 407 FOLIO 433

TRUCKING
AREA

MARSHALL AVE.

CITY CO REALTY CO
WPC 380-126

WALTER COLEMAN
WPC 417-280
COUNTY COMM. CWS JC 551-173

CITY CO REALTY CO
WPC 380-126

BALTO CO BUREAU HWYS

GARAGE

TRUCK
AREA

PLANT

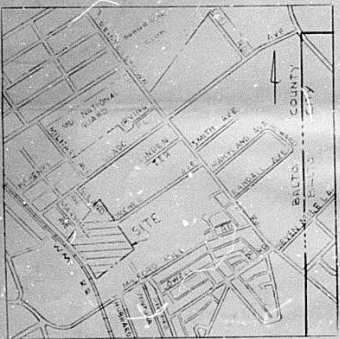
OFFICE

WESTERN MARYLAND AVE. (MAG)

Proposed Railroad Siding

WESTERN

MARYLAND

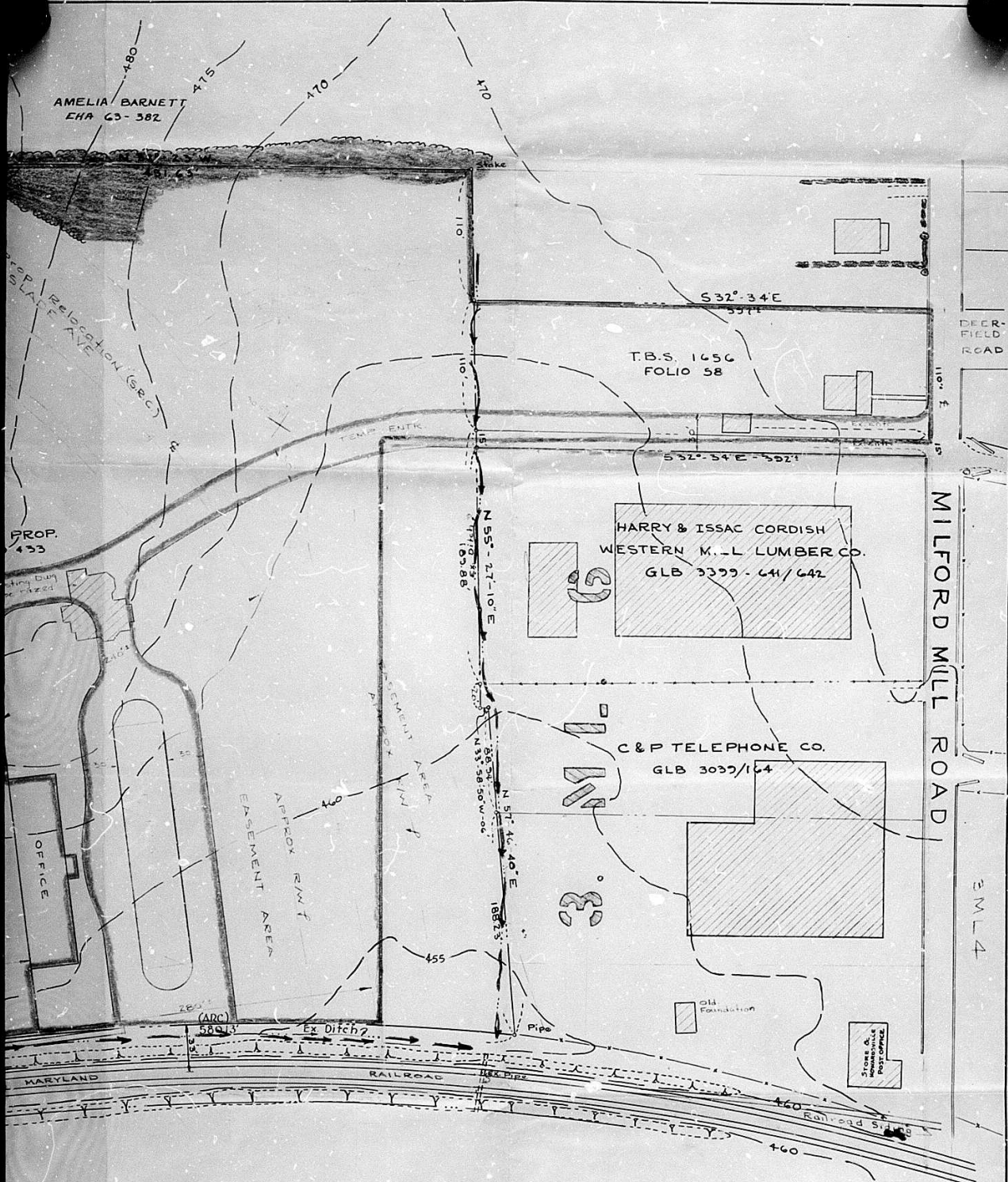


VICINITY MAP
SCALE 1" = 1000'

SUD

3

ELECTRIC
AREA OF
EXISTING
PROPOSED
PRESENT
PROPOSED



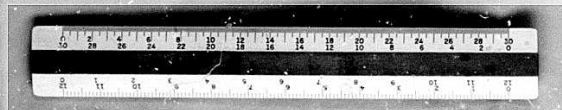
SUDBROOK PARK

3.M.L.3

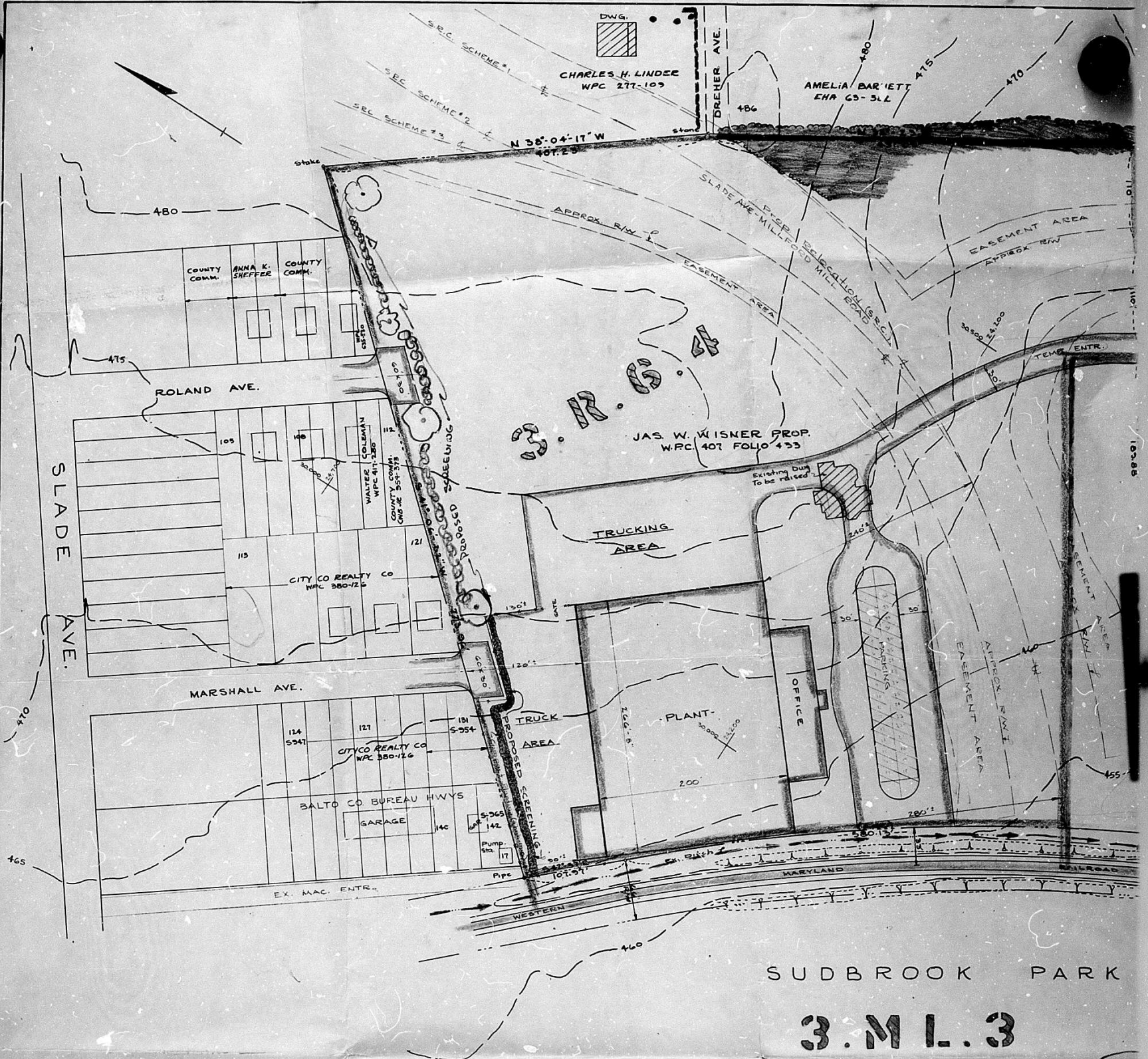
ELECTION DISTRICT - 3RD.
 AREA OF PROPERTY - 13.3 AC.
 EXISTING USE - RESIDENCE
 PROPOSED USE - FOOD PROCESSING
 PRESENT ZONING - 3R6.4
 PROPOSED ZONING - ML

NOTE:
 THIS PLAN HAS BEEN PLOTTED FROM THE DEEDS REFERENCED THEREON AND IS NOT INTENDED TO REPRESENT AN AUTHENTIC PROPERTY SURVEY. BEARINGS SHOWN ARE BASED ON B.C.M.D. GRID.

#5268
 MAP #3
 SEC. 2-C



REVISION		~ ZONING MAP ~	
DATE	BY	FOR RECIPE FOODS INC. 4805 GARRISON BLVD BALTO. MD.	
		MARYLAND SURVEYING AND ENGINEERING CO., INC. 1300 NORTH CALVERT STREET BALTIMORE 2, MARYLAND	
DRN.	J.E.B.	DATE	3/23/61
CHK.		SCALE	1"=50'
APP.		FILE	1761



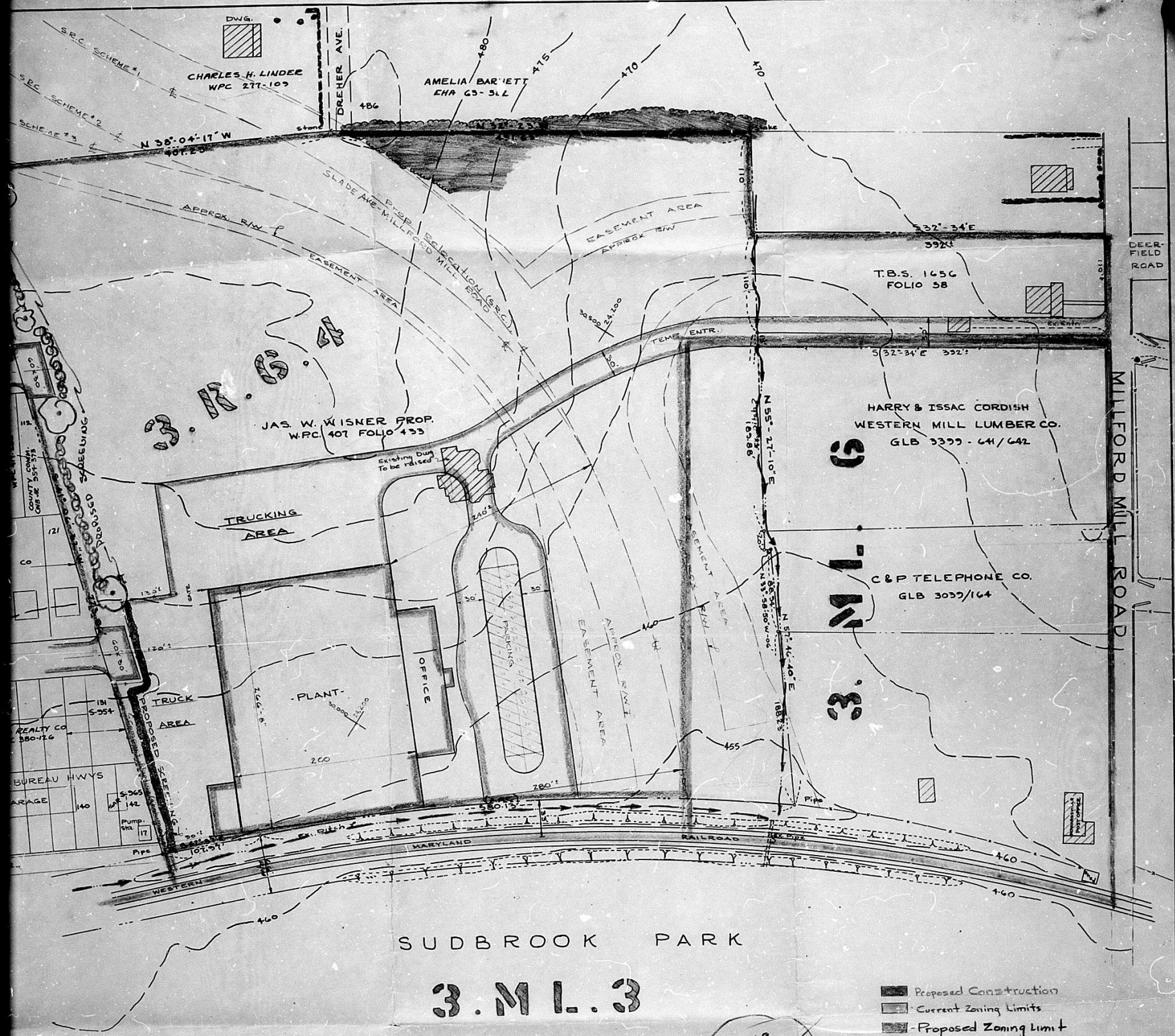
SUDBROOK PARK

3.M.L.3

ELECTION DISTRICT - 3RD.
 AREA OF PROPERTY - 14¹/₂ AC.
 EXISTING USE - RESIDENCE
 PROPOSED USE - FOOD PROCESSING
 PRESENT ZONING - 3.R.G.4
 PROPOSED ZONING - 3.M.L.3

#526
 MA
 #
 SE

APPROVED FOR
 Review by
 D



3. M. L. 3

ELECTION DISTRICT - 3RD.
 AREA OF PROPERTY - 14.4 AC.
 EXISTING USE - RESIDENCE
 PROPOSED USE - FOOD PROCESSING
 PRESENT ZONING - 3R.G.4
 PROPOSED ZONING - 3M.L.3

#5268
 MAP
 #3
 SEC. 2-C

- Proposed Construction
- Current Zoning Limits
- Proposed Zoning Limit

NOTE:
 THIS PLAN HAS BEEN PLOTTED
 FROM THE DEEDS REFERENCED
 THEREON AND IS NOT INTENDED
 TO REPRESENT AN AUTHENTIC
 PROPERTY SURVEY. BEARINGS
 SHOWN ARE BASED ON B.C.M.D. GRID.

MU-5-0469

APPROVED FOR FILING
 Reviewed By *EAG*
 Date *4-4-61*

REVISION		DATE		BY	
~ ZONING MAP ~					
FOR					
RECIFE FOODS INC.					
4805 GARRISON BLVD BALTO. MD.					
MARYLAND SURVEYING AND ENGINEERING CO., INC.					
1300 NORTH CALVERT STREET					
BALTIMORE 2, MARYLAND					
DRN.	J.E.B.	DATE	3/23/61	FILE	1761
CHK.		SCALE:	1"=50'		
APP.					