

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-L" Zone
SE/Cor. Falls Road & Lakeside
Ave., 9th District
Theodore Constantine - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5284

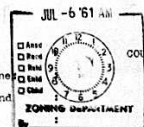
This is a petition for reclassification from "R-6" zone to a "B-L" zone of property located at the Southeast corner Falls Road and Lakeside Avenue, in the Ninth District of Baltimore County.

The Board is unanimous in its opinion that a portion of the property for which the petitioner seeks a change in classification from "R-6" zone to a "B-L" zone should be reclassified. It is the Board's opinion that on this portion of the property that there was clearly an error in the Land Use Map which was adopted on November 4, 1955, and also feels that there have been sufficient changes in the area to warrant reclassification, therefore, this opinion shall be considered in two parcels: (A) The portion of the property fronting on Falls Road, the portion for which the reclassification is being granted--a description of such property accompanies this Order; (B) The portion of property fronting on Lakeside Drive, the balance of the property which the Board is denying reclassification.

The property fronting on Falls Road is located 125 feet north of Lake Avenue. Adjacent to this property on the south is property zoned "R-6", currently being used as a Drive-In Restaurant. On the northern boundary of this portion of the property is the ingress from Falls Road, a curving road which serves as the main entrance to the Catalyst Research buildings, as well as one of the main approaches to the Robert E. Lee Memorial Park. Across the street from the subject property is a tract of land zoned from "R-6" to "B-L", Case No. 4688, such reclassification having been approved on January 14, 1960.

It is inconceivable for this Board to believe that this portion of the subject property could be used for anything else but a commercial use. It would hardly seem possible that anyone would build a home on this property located between a drive-in restaurant on the south and the entrance to the research laboratory on the north, and with property directly across the street zoned "B-L". Further it seems unrealistic to see where this reclassification could have any adverse effect on the people living in the Lake Falls development. While it is true that these homes abut the subject property on the east they are elevated some 20 feet, and any adverse effect that could possibly occur to these homes has already taken effect with the development and subsequent operation of the drive-in restaurant.

RE: Petition for
Reclassification from an
"R-6" Zone to a "B-L" Zone
S.E. Corner Falls Road and
Lakeside Avenue,
Ninth District;
MR and MRS. THEODORE
CONSTANTINE
Petitioners



NOTICE OF APPEAL

Please note an appeal on this 6th day of July, 1961, to the County Board of Appeals for Baltimore County on behalf of Petitioners from the Order of the Zoning Commissioner denying the above-captioned petition.

Harry James Goff
Harry James Goff
Evans, George and Jacob
Reckord Building
Towson 4, Maryland
Valley 5-7020
Attorney for Petitioners

Re: Petition for Reclassification
from an "R-6" Zone to a "B-L" Zone
S.E. Cor. Falls Road and
Lakeside Ave., 9th District -
Theodore Constantine and
Evangeline Constantine,
Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5284

Pursuant to the advertisement, posting of property and public hearing on the above petition for reclassification of property at the southeast corner of Falls Road and Lakeside Avenue, in the Ninth District of Baltimore County, from an "R-6" Zone to a "B-L" Zone, the County Board of Appeals on January 14, 1960 reasoned $\frac{1}{2}$ acres of land from an "R-6" Zone to a "B-L" Zone on the west side of Falls Road, opposite Lake Avenue, Petition No. 4688 (P. Christian Anderson, et al., petitioners). The Board had the following to say:

"From the weight of the evidence before us, including the disinterested testimony of Mr. George G. Garvelis, Deputy Director of the Office of Planning, who stated that 'Residential use is unrealistic'; it is clear that this land is unfit for the existing classification. A fall off in elevation of about 25 feet from road to a swampy area will require prohibitively expensive filling for residential use; moreover, the character of the abutting properties on the west side of Falls Road is predominantly industrial and tends to discharge residential buildings.

The protestants live mostly in an excellent residential community on the east side of Falls Road, known as Lake Falls. The development of the shopping center could not, in our opinion, depreciate their properties. It is more likely that the opposite effect will result when this run-down land is improved. The Board has no hesitation in finding an error in original zoning sufficient to support a reclassification. Had this been the only problem, this decision would not have been held up for weeks of careful consideration."

sufficient reason to reclassify this portion of the property. The Board disagrees with this conclusion. At the present time, this is a wooded tract of land bordering on one of the main approaches to the Robert E. Lee Memorial Park. This road enters the subject property some 25 feet to the south of the Falls Road bridge abutment. Mr. Jones testified that in his opinion the present property was not adaptable for residential use, however, under cross-examination he did agree that it would be physically possible to place custom built homes on this portion of the property, but that he did not feel from a financial point of view that it could be accomplished. He further testified that while this is a narrow strip of land measuring as narrow as 80 feet, that there were some uses under the Business Local classification that could be constructed on this property. The Board can find no justification for creating any additional depth commercial zoning to the east of Falls Road. In determining which part of this petition should or should not be granted, it has used the present depth zoning of the drive-in restaurant as the eastern boundary of commercial zoning, and has used as its northern boundary, a line of demarcation compatible with the present road serving as ingress and egress to Falls Road. The granting of depth zoning beyond that already established would have a damaging effect on the homes in the Lake Falls development, and could cause a very hazardous condition on the small country road now serving the Catalyst Research buildings, as well as the Robert E. Lee Memorial Park. It is also quite possible that additional cars entering and leaving this irregular and narrow road could cause a traffic obstacle for Falls Road traffic. It seems quite obvious that this portion of the tract is of such dimensions as to make its use for either residential or commercial quite questionable. However, it is the opinion of the Board that its use as residential property is just as practical and reasonable as would be its use for commercial development.

It is therefore, the unanimous opinion of the Board that on the balance of the property not included in the description above, and noted in this opinion as portion (B) should remain "R-6".

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of March, 1962, by the County Board of Appeals, ORDERED that the reclassification petitioned for in Parcel (A) be and the same is hereby granted; however Parcel (B) is to remain "R-6".

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.

The Board of Appeals emphasized that the proposed shopping center's traffic would be controlled by a traffic signal at Falls Road and Lake Avenue.

The traffic along that portion of Falls Road petitioner desires to remove is quite different from the Anderson matter.

Traffic on and off the bridge north of the subject property creates a situation of possible danger at the present time. Commercial use of the east side of Falls Road would increase the hazard. Granting of commercial on the east side would lead to commercial on the west side. The result would be detrimental to the health, safety and the welfare of the people in its vicinity and to users of Falls Road.

The Court of Appeals of Maryland, in the case of Zim vs Board of Zoning Appeals, 207 Md at 358-359 had the following to say:

"Small Districts There is no inherent objection to the creation of small districts within a residential zone, not inconsistent with a comprehensive plan, where establishments for the service and convenience of residents may be permitted. In some situations this may be a practical necessity, due in part to the rigidity of the classification."

In the Falls Road-Lake Avenue section provision for a needed commercial area has been provided. The Anderson land is zoned and so is the northeast corner of Falls Road and Lake Avenue.

Further change in the zoning map as approved by the County Commissioners on November 14, 1955 is not needed.

The Commissioners were not in error in zoning the petitioner's property "R-6" and it should remain so.

For the above reasons the reclassification should be denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William W. Jones
CHAIRMAN
Charles W. Jones
G. Mitchell Austin

It is ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of June, 1961, that the above reclassification 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.

W. E. Jones
Zoning Commissioner of
Baltimore County

✓
#5284
MAP ✓
#9
SEC. 3-C
BL
6/5/61

See attached description

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 Constantine
Theodore Constantine
Evangeline Constantine legal Owner
Address: 3008 1/2 Hamilton Avenue
Baltimore 14, Maryland
- Francis L. Nichols,
204 Courtland Ave.
Towson 4, Md.

1:00 PM
6/7/61
5-284
4 - copies

Zoning Commissioner of Baltimore County

(over

No. 4837
DATE 5/29/61

BILLED BY Zoning Department, of
Baltimore County

**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.**

No. 4898
DATE 7/6/61

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

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.

No. 10754
DATE 4/4/62

BILLED BY: County Board of Zoning Appeals

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.

No. 4691
DATE 5/5/61

BILLED BY: Zoning Department of
Baltimore County

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 PUBLICATION

THE JEFFERSONIAN,
Wm. L. Garrison
 Mar.

Cost of Advertisement, \$.....

#5.284

District. 9th # 5-17
 Posted for: Alfred H. Young Date of Posting: 12-13-61
 Petitioner: Thurston Construction, et al
 Location of property: S.E. Corner of Falls Rd. & Jackson Ave.
McLea Pl.
 Location of Sign: Southeast Corner of Falls Road and Jackson
Avenue
 Remarks:
 Posted by: George R. Hummel Date of return: 12-14-61
Official

MAYOR AND CITY COUNCIL OF BALTIMORE CITY

M.I.

M.I.

LAKE SIDE AVENUE

ZONED R₁
P.L.S. R₁

R.G.

R.G.

R.G.

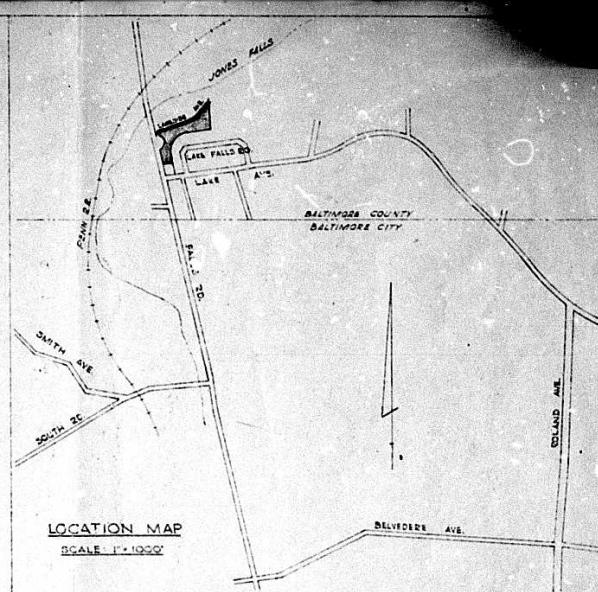
B.I.

B.I.

LAKE FALLS ROAD

FALLS ROAD

LAKE AVENUE



#5284
MAP
#9
SEC. 3-2



APPROVED FOR FILING
Reviewed By *JS*
Date 5-1-61

Wm O. Lutzky

ZONING PLAT
THEODORE CONSTANTINE AND WIFE
PROPERTY
9TH ELECTION DIST. BALTIMORE COUNTY, MARYLAND
JAMES S. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
400 YORK RD. TOWSON 4, MARYLAND
SCALE 1"=50' APRIL 28, 1961

