RE: PETITION FOR RECLASSIFICATION from an "R-6" Zone to a "B-L" Zone SE/cor, Falls Road & Lukesida Ave. 9th District Theodore Constanting - 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 patitioner seeks a change in classification from "R-G" 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 on error in the Land Use Map which was adopted on November4, 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; (6) The portion of property fronting on Lakeside Drive, the balance of the property which the Board is derying 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 "B-L", 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 A morrial Park. Across the street from the subject property is a tract of land zoned from "R-d" to "B-L", Case No. 4688, such reclassification having been approved an Innary 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 driverin restourant 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 advense effect on the people living in the Lake Falls development. While it is true that these homes about the subject property on the cast they are elevated some 20 feet, and any advense effect that could possibly occur to these homes has already taken effect with the development and subsequent operation of the driver-in restourant.

HESI Petition for Reclassification from an Observation of Technology Country Board Of Count

NOTICE OF APPEAL

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

Marris Jemes George Evans, George and Jacob Reckerd Building Towson 4, Maryland VAlley 5-7020 Attourney for Patitioners It is the unanimous opinion of this Board that there was error in the adoption of the Land Use Map on November 4, 1955 in placing this partian of the property in a residential category, and further that the zoning of the property across Falls Road in Case No. 4688 is sufficient change in itself to warrant reclassification. The following partion is being reclassified from "K-6" to "8-1":-

Beginning for the same at a point on the east side of Falls Road in the 16th line of the parcel of land which by dead detect line 13, 1960 and accorded among the Land Bosset, of Bulklanes Court, to Life a W.J.R. No. 3714 folio 348 was conveyed by Aurora Federal Savings and Loan Association 13 Theodore Constantine and Evangeline Constant his wife, said point of hadinains being 30 00 feet couthwesterly measure along said line from the beginning thereof, and running thence binding reversely along a part of said 16th line and reversely along the 15th through 13th lines of the aforesaid conveyance. North 65 degrees 23 minutes 50 seconds Fast 39\_00 feet: North 43 degrees 30 minutes 30 seconds Fost 25,00 feet: North II degrees 00 minutes 50 seconds Fost 43.93 feet: thouge for a new line of division in a Southeasterly direction and radially to the curve in the 3rd line of the aforesaid conveyance 74 feet more or less, to a point on said curve; thence binding reversely on part of the 3rd and 2nd lines of the aforesaid conveyance by a line curving to the left with a radius of 200,00 feet the distance of 420 f.c.t. more or less, to a point; thence South 12 degrees 19 minutes 10 seconds East 85 18 feet; there a leguing said second line, and supplies appelled to the first line thereof. South 81 degrees 35 mir utes 50 seconds West 120.28 feet to the east side of Falls Road; thence binding on the east side of Falls Road. North 13 degrees 11 minutes 10 seconds West 151, 20 feet to the place of beginning

In regard to portion (8) of the subject petition—that part fronting on Lakeside Driva, it was the contention of the property owners through the testimony of J. Walter Jones, a qualified Real Estate Appraisa, that they had given the Board

sufficient reason to reclassify this portion of the property. The Board disagrees with this conclusion. At the payent time, this is a wooded tract of land hardering on any of the main approaches to the Robert E. Lee Memorial Park. This road enters the subject annually some 25 feet to the south of the Ealls Boad heldes abuttment. Mr. Jones testified that in his opinion the present property was not adaptable for residential use, er, under cross-examination he did garee 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 Control of the state of the state of the second state of the first or total God state 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 death commercial zoning to the east of Falls Road. In determining which part of this netition should as should not be granted, it has used the present droth zoning of the drive-in restaurant as the eastern boundary of commercial zoning, and has used as its northern boundary, a line of deagreeding compatible with the present mod remina or incress, and egrees to Falls Road. The counting of depth voning 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 F. Lee Memorial Park. It is also quite possible that additional cars entering and leaving this irregular and parrow mad 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 animing of the Board that its use as residential amounts is just as practical and repropable as would be its use for commercial development.

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

## ORDER

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.

#5284 MAP 100030

The Board of Appeals emphasized that the proposed shopping conter's traffic would be controlled by a traffic signal at Falls Road

The traffic along that portion of Falls Read potitioner desires to re-one 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. Commortial use of the east side of Falls Read would increase the hazard. Granting of commortial on the east side would lead to commortial 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 Read.

The Court of Appeals of Maryland, in the case of Zimn ws Board of Zoning Appeals, 207 MH at 358-359 had the following to

> "Small Districts There is no inherent objection to the creation of small districts within a wordential some, 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 ', the rightly of the classification."

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

Further change in the soning map as approved by the County Commissioners on November 11, 1955 is not meeded.

The Commissioners were not in error in scaling the petitioner property  $^{m}R-6^{n}$  and it should remain so.

For the above reasons the reclassification should be denied.

It is GEDSED by the Zening Commissioner of Haltimore
County, this 30f6 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"

Zoning Convissioner of

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Ro: Potition for Reclassification :
from an "R-5" Zone to a "B-1"
Zone - S. E. Cor. Falls Road and :
Lakeside Awe, 9th District Thoodore Constantine and
Synapoline Gonstantine,
Folitioners :

BALTHORE COUNTY

No. 528h

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Fursuant to the advertisement, posting of property and public hearing on the above potition for reclassification of property at the soutcomment corner of Falls Road and Lakeside Avenue, in the Minth District of Baltimore County, from an "R-6" Zene to a "B-L" Zene, the County Board of Appeals on January 11, 1960 remember his acres of Larl from an "R-6" Zene to a "B-L" Zene on the west side of Falls Road, opposite Lake Avenue, Potition No. 1688 (F. Christian Anderson, et al, petitioners). The Board had the following to say:

specific and use 10110411g to easy?

"From the weight of the evidence before us, including the disinterested teatherny of Mr. George G. Gavralia, Deputy Miroteter of the Office of Planting, who can that the Precident hat use is unreal initie?, at the clear that this land is unfit for the existing for each other that this land is unfit for the existing for read to a grampy rear will require prohibitory oxygenites filling for recidential use; moreous, the character of the abutting propertial use; moreous, the of Falls Road is predeminantly industrial and tends to discharge residential buildings.

The protestants live mostly in an excellent residential community on the east side of Falls Boad, known as Lake Falls. The development of the depth of eather could not, in our opinion, depressed the properties. It is more likely that the properties of the properties of the could not be proved. The Board has no heattation in poor an arror in original soning sufficient to import a reclassification. Had this benn the only problem, this decision would not have been held up for weeks of careful consideration.

Arrestages & James Arrestages ar LAW Terreton, Marriane PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

hereby petition (1) that the zoning status of the herein described property be re-classified 

originally zoned RG erromeously and the meighborhood has chalged fall of the state of the state

See attached description

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

> Theodore Constantis The odore Constantine
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> The odore Constantine
>
> Evange line Constantine Legal Owners Contract purchaser Address 3008 Hamilton Avenue

arus James Jenne Harris James George - Francis h. Inflictant L.

George M. Sherwo Mittioner's Attorneys

Address Reckord Building Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd

...., 1961., 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 106, County Office Building in Towson, Baltimore 7th day of June ..., 1961..., at 1:00 o'clock P. M.

Zoning Commissioner of Baltimore County.

Baltimore 14, Maryland

BALTISTEE COUNTY, MARY ND No. 4837 OFFICE OF FINANCE DATE 5/29/61 Division of Collection and R COURT HOUSE BYZoning Department of Baltirore County >3161 194 · · • IXL-5150 >- 5101 194 e e e | 111-5150

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.

TELEPHON ALLEY 3-30	OFFICE OF Division of Colle		NCE	No. 4898
I	arris James Coorge, Esq., ackord Bullding acson h, Md.	BILLEO	Zoning Departm 113 County Off Touson h, Md.	ent ico Bidg.,
EPOSIT TO	ACCOUNT NO. 01-622			TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND P	ETURN WITH YOUR	REMITTANCE	COST
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OFFICE OF PLA	NNING AND ZONING
Inter -Office	Correspondence

Date May 26, 1961

To: John G. Rose, Zoning Commissioner From: George B. Gayrelis, Deputy Director

Subject: #5284-R-6 to B-L Zone, SE/c. Falls Rd. and Lake Avenue

GEG+bc

6/7/61

1:00 P.M.

The starf of the Office of Flanning and Zoning has reviewed the subject petition and has the following comment to make with respect to pertinent planning factors:

- 1. The subject petition is located on the easterly side of Falls Road The subject potting is located on the easterny size of reaching just to the south of Jones Falls bridge. Consertial reaching recently was granted on the westerly size in Figure 1. The state of this property. An existing industrial use exists invediately to the north and is superated from the subject property by the access drive into Robert E. Lee Fara.
- 2. In light of the recent zoning reclassification on the opposite side of Palls Road which changed land use potentials to an extent where a physical changed has fit the same exception to conservat zoning for that tortion of property which fronts on Palls Road. The planning staff naives special objection to commortial zoning for that portion of subject truct which shutts or lakeside Avenue—the entrance to the park, and which is at the rear of late of through 12 entraince to the park, and which is at the rear of lots 6 through 12 of the Lake Falls development. Examination of toperquible maps indicates a rise in elevation of 10 feet or more in a horizontal handle state of the property framing on takes flowers of the property framing on takesful Driver's such, that it can serve no practical use. Rescning can never serve as an economic remody for the use of property which physically is difficult or impossible to use for any purpose. The best possible use of the Frontage along blocked for yours would be as an adjunct to the Rhourf A. Lee fark horein the century of the wooded slope greserved.

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BALTPYORE COUNTY, MARY AND

No. 10754 OFFICE OF FINANCE Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

BILLED County Sound of Zoning Appeals

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	\$ 14.00
-	Cost of Certified documents - SE/cor. Fells Rd. & Lakeside Ave. Theodore Constantine et al.	
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	4-462 2517 · · · TIL-	14.00
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LE 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.

## BALTIORE COUNTY, MARYAND OFFICE OF FINANCE

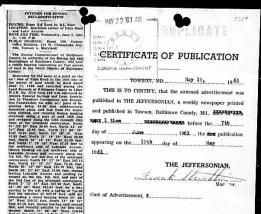
No. 4691 DATE 5/5/61

Division of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

BILLED Zoning Department of Baltimore County

PANTITY	ACCOUNT NO. 016.72				
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IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COUNT HOUSE, TOWSON 4, HARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



CERTIFICATE OF POST-AG ZONING DEPARTMENT OF BALTIMORE COUNTY

	Towson, Ma	ryland	
District 90th			45284
District. 9000			
Posted for: Cappent	leauns.	Date of Posting	-1.0-13-1
Petitioner: Thevelune &	anstaliting	tal	
Posted for Cappenly Petitioner This day & Location of property & & Lac Mo Le Play	ner of Falls	Rd + Sahesul	le ave.
Location of Signs Southean	t come of	4.100 10.1	10000
Location of Signs Southurs Coverne	· Committee	Jan 2 Moagas	Jakunole
Remarks:			
Posted by Slunge R. A	Jummel.	Date of return: 12-	14-61

