

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Charles H. Williams and
I, or we, Margaret M. Williams, legal owner... 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-20 zone to an B-L zone; for the following reasons:

To allow current use of existing buildings and to provide for contemplated future expansion of existing structures for medical center and allied facilities.

See Attached Description

Under the provisions of the Zoning Law of Baltimore County, the property described in the description and plat attached hereto is hereby petitioned to be reclassified from R-20 to B-L zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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.

Contract purchaser
Charles H. Williams
Margaret M. Williams
1632 Reisterstown Road
Address: Pikesville 8, Maryland

Address: 900 Reisterstown Road, Pikesville 8, Maryland, MD 4-0200
Hillard P. Albert, Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of October, 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 County, on the 29th day of November, 1961, at 1:00 o'clock.

Re: M. OCT 10 '61
Zoning Commissioner of Baltimore County
(over)
1:00 PM
11/29/61
1-469

514

CHARLES & MARGARET WILLIAMS
SHEETS OF MAPS AND PLATS
1632 REISTERSTOWN ROAD
PIKESVILLE 8, MD

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of December, 1961, that the herein described property or area should be and

the same is hereby reclassified; from a zone to a

zone, and/or a Special Exception for a should be and the same is

granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, the use proposed would definitely place commercial activities on Naylor's Lane. The changes which have taken place are not such as to warrant the granting of the requested zoning, therefore,

the above reclassification should NOT BE HAD, and no Special Exception should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of December, 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-20 zone; and no Special Exception be

Zoning Commissioner of Baltimore County

CHARLES H. WILLIAMS and
MARGARET M. WILLIAMS, his wife
1632 Reisterstown Road
Baltimore 8, Maryland

Appellants

VC:

NATHAN M. KAUFMAN, C. MITCHELL AUSTIN, and CHARLES STEINBOCK, constituting THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY County Office Building Towson 4, Maryland

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

ORDER OF APPEAL

Mr. Clerk:

Please enter an appeal from the Order of the County Board of Appeals of Baltimore County of July 12, 1962, in the matter of Petition for Reclassification No. 5414, denying re-classification.

WILLIAM D. WELLS
HILLARD P. ALBERT
Attorneys for Appellants
900 Reisterstown Road
Pikesville 8, Maryland
484-0300

I HEREBY CERTIFY that on this 7th day of August, 1962, I mailed a copy of the foregoing Order of Appeal by regular mail, postage

prepared, to Nathan M. Kaufman, Chairman, The County Board of Appeals of Baltimore County, County Office Building, Towson 4, Maryland.

WILLIAM D. WELLS

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petitioner now feels justified in asking for the above reclassification.

The Board of Appeals is unanimous in its opinion that this petition should be denied. While it is true that the extension of the commercial zone on the south, namely the Boxwood Lodge operation, the subsequent enlargement of this motel, and now, the building of an outdoor swimming pool for motel guests have caused annoyance to the petitioner; it is extremely difficult to see how this has changed the character of the neighborhood or has materially affected the subject property. It would seem that the reclassification of the Reisterstown Road frontage of the petitioners property and the eventual development of this property into retail store outlets were the determining factors in the value and desirability of the subject property for residential use.

Further, one must remember that the petitioner himself caused his property to be reclassified. All of the other properties referred to by the petitioner as changes in the neighborhood have occurred on properties directly fronting on the Reisterstown Road. None of these properties, fronting on the west side of Reisterstown Road, have a depth as great as that asked for in this petition, except that of the Boxwood Lodge.

Naylor Lane is a quiet, tree-lined, residential road; typical of the type of road one finds in the older residential developments of the County. It dead-ends at Reisterstown Road. Residences line both the north and the south side of this street for a distance of at least a quarter of a mile. Immediately adjacent to the subject property on the west is an open tract of land, part of a four acre tract on which the owner has built a substantial and expensive home. To grant the reclassification asked for in this petition would be the opening wedge for the development of commercial properties on the Naylor Lane frontage. Such action could, quite possibly, cause tremendous damage to many fine residential homes.

In conclusion, it is the unanimous opinion of the Board of Appeals that the extension of the Boxwood Lodge, while annoying, did not, in itself, cause sufficient change in the character of the neighborhood to justify this reclassification. The other changes referred to, having frontage on the east and west sides of Reisterstown Road, both north and south of Naylor Lane, have been brought on by the development of the Baltimore County Beltway and have relation only to the Reisterstown Road. In no way do they affect the subject property or other properties fronting on Naylor Lane. In fact, they are not even visible from the subject property. The need for keeping all commercial uses in this area oriented to Reisterstown Road was pointed out by Mr. George E. Gavrellis, Deputy Director of Planning for Baltimore County, in his testimony, and it is concurred with by this Board.

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ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of July, 1962, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

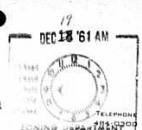
CHAIRMAN
C. Mitchell Austin

NOTE: Mr. Charles Steinbock did not sit at the hearing.



LAW OFFICES OF
WELLS, DURKEE & ALBERT
900 REISTERSTOWN ROAD
PIKESVILLE 8, MARYLAND

December 15e, 1961



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

Dear Mr. Rosen:-

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-20" ZONE TO "B-L"
ZONE - S.E. SIDE NAYLOR'S LANE
THIRD DISTRICT
CHARLES & MARGARET WILLIAMS,
PETITIONERS

On behalf of Doctor and Mrs. Charles H. Williams, please enter an Appeal to the County Board of Appeals from your decision of December 4e, 1961, denying the reclassification requested in the above Petition.

In setting the date for hearing on Appeal, I request that you take into consideration the fact that Doctor Williams will be out of town from March 27e, 1962 through the 31st.

Enclosed in my check, in the amount of \$75.00, payable to Baltimore County, to cover the cost of this Appeal.

Would you kindly notify me of the date and time set for hearing before the Board of Appeals.

Yours very truly,
WILLIAM D. WELLS

WDW/dew
Enclosure

RE: PETITION FOR RECLASSIFICATION : BEFORE
from "R-20" Zone to "B-L" Zone : COUNTY BOARD OF APPEALS
SE/5 Naylor Lane and : OF
SW/5 Reisterstown Road, :
3rd District :
Petitioner: Charles H. Williams et al :
: BALTIMORE COUNTY
: No. 5414

OPINION

This is a petition for reclassification from an "R-20 Zone to a "B-L" Zone, property located in the Third District of Baltimore County fronting on the south side of Naylor Lane, some 192 feet west of the Reisterstown Road; said property having a depth of some 169 feet, and a Naylor Lane frontage of 154 feet.

It was stipulated, at the outset of the hearing, that there had been no error made in the adoption of the Land Use Map for the Third District of Baltimore County by the County Commissioners on January 16th, 1957. The petitioner stated that he was basing his request for reclassification on changes that had occurred in the neighborhood since that time.

Testimony was to the effect that the petitioner had bought the subject property along with additional property adjacent on the east and running to a depth of 192 feet where it fronts on the Reisterstown Road. Said property was purchased about 1947. In July of 1948, petitioner applied for reclassification on the front portion of his property for commercial use; a request which was granted in 1950. He built his home on the subject portion of his property in 1950, using a part of his home for the office of his medical practice. The commercial property was leased for a nursery shop and an outside display area, a use which continued until 1960. At this time, the front portion of the property was leased for a long term to a builder and developer, who erected some five to seven stores, which are being used for retail stores at the present time.

Immediately adjacent to the subject property on the south and running to a depth of 353 feet in a westerly direction from the Reisterstown Road, is the property occupied by the Boxwood Lodge, a commercial motel operation. The Boxwood Lodge was operating as a small motel at the time the petitioner purchased his property. It was enlarged and the depth extended, by reclassification, in 1949; and it was further enlarged and extended to a depth of 353 feet, by reclassification, in May 1959. It is because of these two extensions and the subsequent growth of the motel operation, along with other changes in the vicinity fronting on the Reisterstown Road, that the

Prot B
5414

CHARLES H. WILLIAMS, and
MARGARET V. WILLIAMS,
his wife
vs.
NATHAN H. KAUFMAN, ET AL,
Constituting THE COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY
and
DR. IRVIN GOLDBERG, and
RAYMOND FEINBERG.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 2624 (Misc.)
Docket Misc. 7
Folio 187

January 31, 1963

Before: HONORABLE JOHN GRASON TURNBULL, Judge.

THE COURT: Gentlemen, we are all thoroughly familiar with the Court of Appeals' decision which, in effect, says that a reclassification should not be granted unless there was error in the original zoning or unless the character of the neighborhood had so changed as to warrant reclassification. Of course, the doctrine of contributory negligence does not apply in zoning matters, but Mr. Harrison's argument, in part, might almost be taken to mean

that he was relying on contributory negligence in that the doctor had part of his own land rezoned and then that by and permitted the extension of Boxwood to take place, and, having permitted that to take place, without protest by him, that he now seeks to have his property reclassified, basing it on Boxwood and the nuisance flowing from Boxwood.

The additional development of Boxwood is the only change which has any bearing whatsoever on this case, in my opinion. The changes on Reisterstown Road frontage are not in any respect comparable to a change in classification where the doctor is located on Naylor's Lane; I mean, they are not even remotely comparable.

I can appreciate the doctor and Mrs. Williams' feelings. She says the theatre people get to the motel later of course they do, after evening performances. She says sometimes, when there are dog shows, that the dogs are boarded in trailers, or something of that kind, and they make a fuss, and, I think, that even sometimes horses are left in vans overnight.

If, indeed, the operation of Boxwood creates a nuisance to Dr. and Mrs. Williams, they have a complete

remedy. Under the Meadowbrook case, the Five Oaks case, they can have the nuisance enjoined. But simply because they are a little unhappy at the noise that goes on next to them does not warrant, in my opinion, a reclassification. Indeed, in my opinion, the Board would have committed the grossest kind of error if it had granted a reclassification, and all that I can do is to affirm the Board if there was evidence in the record upon which the Board reasonably could have reached the conclusion which it did reach; and, in my opinion, the record is replete with evidence from which the Board reasonably could have reached the conclusion that reclassification was not justified. Therefore, the order of the Board will be affirmed.

* * *

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: William D. Wells, Esq.,
900 Reisterstown Road
Pikesville 8, Maryland

BILLED BY: Zoning Department of
Baltimore County

No. 8165
DATE 10/10/61

QUANTITY	DEPOSIT TO ACCOUNT NO. 01622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00
		Petition for Reclassification for Charles M. Williams	50.00
			50.00

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Mr. John G. Rose, Zoning Commissioner Date: November 17, 1961

FROM: Mr. George E. Gavrellis, Deputy Director

SUBJECT: Subl. R-20 to B-L. Southeast side of Naylors Lane 192 feet West of Reisterstown Road. Being property of Charles Williams.

3rd District

HEARING: Wednesday, November 29, 1961 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification and has the following advisory comments to make with respect to pertinent planning factors:

- The subject property is situated on Naylors Lane westerly from Reisterstown Road. Active commercial uses exist on the southeasterly corner of Naylors Lane and immediately to the rear of the subject property. It is to be noted, however, that these uses are oriented towards Reisterstown Road. Creation of commercial zoning here would have the effect of upsetting the Comprehensive Zoning Map for the 3rd District - in simple terms the zoning map sought to recognize the logic of commercial uses along Reisterstown Road and sought also to retain the residential integrity of Naylors Lane. The granting of commercial zoning for the subject property could result in similar requests along Naylors Lane.
- If zoning relief is felt desirable, the Planning staff suggests that consideration be given to R-A or apartment zoning in lieu of B-L zoning. A special exception for office use subsequently could be requested. R-A zoning here would have the effect of granting relief more in accord with sound zoning principles, by setting up land use potentials for this property which would be more compatible with those of adjacent residences, by setting up a transitional zone, and by creating a proper and logical stopping point for intensive land uses.

GEG:bms

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 11-8-61
Posted for: *Charles H. & Margaret V. Williams*
Petitioner: *Charles H. & Margaret V. Williams*
Location of property: *S.E. of Naylors Lane 192 ft. west of Reisterstown Rd. Md. 44. Subl.*
Location of Sign: *Southwest side of Naylors Lane 250 ft. west of Reisterstown Rd.*
Remarks: *George R. Hummel*
Posted by: *George R. Hummel* Date of return: 11-9-61

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#5414

District: 3rd Date of Posting: 11-18-62
Posted for: *Appeal Hearing*
Petitioner: *Charles Williams et al.*
Location of property: *S.E. of Naylors Lane 192 ft. west of Reisterstown Rd. Md. 44. Subl.*
Location of Sign: *Southwest side of Naylors Lane 250 ft. west of Reisterstown Rd.*
Remarks: *George R. Hummel*
Posted by: *George R. Hummel* Date of return: 11-19-62

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: William D. Wells, Esq.,
900 Reisterstown Road
Pikesville 8, Md.

BILLED BY: Zoning Department of
Baltimore County

No. 9723
DATE 12/19/62

QUANTITY	DEPOSIT TO ACCOUNT NO. 01622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00
		Appeal to County Board of Appeals	50.00
		No. 5414	50.00

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
RECLASSIFICATION
3rd District
ZONING: From R-20 Zone to
B-L Zone
LOCATION: Southeast side of
Naylors Lane 192 feet West of
Reisterstown Road.
DATE AND TIME: WEDNES-
DAY, NOVEMBER 29, 1961 at
1:00 P.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Cape Avenue, Towson,
Maryland.

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 Third District of Baltimore County. BEGINNING for the same on the Southeast side of Naylors Lane 30 feet wide, at a point South 88 degrees 46 minutes West 192 feet from the intersection of said Southeast side of Naylors Lane with the Southwest side of Reisterstown Road, 66 feet wide as now located, and running thence and ending on the Southeast side of Naylors Lane South 88 degrees 46 minutes West 184.00 feet to a stake, thence South 81 degrees 51 minutes East 160.47 feet to a point South 57 degrees 31 minutes West 192.00 feet from the Southwest side of Reisterstown Road; thence for line of division, and parallel to the said Southwest side of Reisterstown Road at a distance of 192 feet therefrom, North 83 degrees 59 minutes West 166 feet, more or less, to the place of beginning. Containing 28.00 square feet of land, more or less. Being the property of Charles H. and Margaret V. Williams, as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY.
Nov. 10.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.
THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

November 13, 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, Maryland, once a week for One SUCCESSIVE weeks before the 13th day of November, 1961, that, to say the same was inserted in the issues of November 13, 1961.

THE BALTIMORE COUNTIAN

By: *Paul J. Morgan*
Editor and Manager

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 9747
DATE 11/29/61

To: William D. Wells, Esq.,
900 Reisterstown Rd.
Pikesville 8, Md.

BILLED BY: Zoning Department of
Baltimore County

QUANTITY	DEPOSIT TO ACCOUNT NO. 01622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$30.00
		Advertising and posting of property for Charles M. Williams	30.00
			30.00

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.