

RE: PETITION FOR RECLASSIFICATION
from an "M-R" Zone to a "M-L" Zone
W. S. York Road 139th South
of Hillside Ave., No. 5480 -
Almar Realty, Incorporated,
Petitioner

BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Pursuant to the advertisement, posting of property and public hearing on the above petition for reclassification of property on the west side of York Road 139th feet south of Hillside Avenue, Extended, in the Eighth District of Baltimore County, the petitioner has requested a reclassification from an "M-R" Zone to a "M-L" Zone. The petitioner, through counsel, made the following statement:

"Petitioner contends that changes have occurred in the immediate vicinity of the subject property since the adoption of the Eighth District Zoning Map and that these changes constitute good cause for making the change requested in the subject petition. When the Eighth District Map was adopted, the "M-R" zoning was apparently created to protect the residential area on the east side of York Road. If this was the intention of the planners, it would seem that they were a bit inconsistent for there was no provision for the southward extension of the so-called "M-L" buffer zone on the York Road and south of the subject property faced residential property on the east side of York Road for some 2,000 feet south of the subject property. Thus, the so-called buffer zone only buffered about one-third of the residential property on the east side of York Road.

Petitioner would further bring to the Zoning Commissioner's attention, that there has been a recent amendment to the Baltimore County zoning regulations at section 253.1, which provides that no structure may be erected on land zoned "M-L" closer than 100 feet from the nearest boundary line of a contiguous residential zone. This regulation makes any so-called buffer strips next to "M-L" property patently unnecessary inasmuch as "M-L" zoning has its own built-in buffer strip. Mr. Gervais, in his inter-office memorandum of February 2, 1962 directed to you, seems to take cognizance of this change in the zoning regulations, but apparently is unwilling to modify the position of the Planning Staff even though the zoning regulations have been changed. Mr. Gervais' position would seem to be a bit inconsistent.

Since it is generally admitted that the subject property was zoned "M-R" only to buffer the "M-L" to the west it is our feeling that to require the petitioner to buffer his land to a greater depth than other "M-L" properties in the same category (see the "M-L" zoning at the intersection of Shawan and York Roads) would be inequitable and tantamount to economic confiscation of petitioner's property.

Petitioner's property comprises approximately 5.97 acres of which about two-thirds is "M-L" and one-third "M-R". This division of zoning has created much confusion and serious difficulties in the proper planning and development of the property, which in itself, and without relation to the above cited arguments, amounts to an error in original zoning. Petitioner's tenant, Universal Lithographers, Inc., would like to move their entire operation from Baltimore City to this Baltimore County location and the said confusion in zoning has thus far prevented such a move.

In summation, we feel that the County, recognizing the impracticability of buffering "M-L" property facing residential property, with an "M-R" Zone, adopted the zoning regulations of 1961, whereby a 100 foot set-back was created, thus making an "M-R" buffer zone unnecessary."

The petitioner's statement is a reasonable one and indicates correctly that the zoning should be changed as requested.

For the above reasons the reclassification should be granted.

It is this 21st day of February, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified; from an "M-R" Zone to a "M-L" Zone, from and after the date of this Order, subject, however, to approval of the plan for the development of said property by the State Route Commission, Division of Land Development and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

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

TO: Almar Realty, Inc.
31 S. Frederick Street
Baltimore 2, Md.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
06422		Petition for Reclassification to your property	\$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.

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

TO: Messrs. Wright, Robertson & Dowell
300 St. Paul Place
Baltimore 2, Md.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
06422		Advertising and posting of property for Almar Realty, Inc.	\$1.00
			1.00

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 RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Almar Realty, Inc., 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an "M-R" zone to an "M-L" zone; for the following reasons:

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. Almar Realty, Inc. does not desire to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agrees and is bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

By: *[Signature]*
Contract purchaser
John A. Caldwell, Jr., Legal Owner
Vice President
Address: 31 S. Frederick Street
Baltimore 2, Maryland
Wright, Robertson & Dowell
Petitioner's Attorney
Address: 300 St. Paul Place, Baltimore 2, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of February, 1962 at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 2, 1962
FROM: Mr. George E. Gervais, Deputy Director
SUBJECT: #5480. M-R to M-L. Westside of York Road 139th feet South of Hillside Avenue. Being property of Almar Realty, Inc.
8th District
HEARING: Wednesday, February 14, 1962 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following advisory comment to make:

1. M-L zoning was created by the 8th District Zoning Map as a protective device for the residential area on the eastern side of York Road. The Planning Staff believes that this was a sound approach to the problem of safeguarding the residential character on the opposite side of York Road. At the same time, M-L zoning does not permit commercial uses as does the M-R zone. Since the adoption of the 8th District Zoning Map, the Zoning Regulations have been amended to prohibit commercial uses in the first 100 feet of a M-L zone where it abuts or is across the street from a residential area.

OBJ: tms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM: H. B. Staab
TO: John G. Rose
SUBJECT: Petitions #5475 and 5480
Date: February 2, 1962
ZONING DEPARTMENT

In view of the request for reclassification of an M-R Zone to M-L in the 8th District we feel compelled to offer the following observations.

1. The use of the M-R Zone as a transition or buffer strip is the most effective tool the County has at:
- a. protecting surrounding residential and industrial properties
- b. limiting commercial encroachment on industrial land, especially along the frontage of major community roads

An excellent example of this is the Kilmarnock Industrial Park development where the industrial plant character on one side of the road has equalled or exceeded that of the residential development on the opposite side.

2. We believe it is absolutely necessary to retain the integrity of the M-R Zone once the zone has been applied in a specific place, unless circumstances are so unusual as to require a change to a different zone. This is necessary because the firms which have already located in the M-R Zone, thereby taking advantage of the restrictive nature of the zone, are interested in maintaining the quality of the area (for frontage) so established. To reclassify an M-R Zone would probably constitute a breach of good faith and certainly good will with these industrial and institutional neighbors who have accepted the zone and its protective restrictions.

3. The M-R Zone constitutes a very small portion (3.8%) of all of the industrial land in the County, while the M-L Zone includes over 50% of all such land. While we feel it is important that additional industrial land reserves be created, we do not feel any benefit would be gained by reclassifying an already existing M-R Zone to an M-L Zone. At the present time there is a sufficient reserve of M-L land in the 8th District to serve the County's requirements.

4. I and I am sure my Commission will agree, am particularly concerned in this York Road location where we already have one plant, Gas and Electric Company, which has complied with the M-R frontage zoning, where a site is across from an elementary school and where a shift to M-L may subsequently mean commercial development instead of industrial. If we eliminate it in such a critical location as

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John G. Rose

this area, thereby negating the original intended purpose, it could multiply and we could lose an area of the M-R Zone.

We feel it only logical that the Industrial Development Commission take this stand and respectfully request your earnest consideration of same.

H. B. STAAB, Director
Industrial Development Commission

GCHHB:slm

cc: Mr. M. H. DUN

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 26, 1962.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on ~~XXXXXX~~ the 11th day of February, 1962, the 22nd publication appearing on the 26th day of January, 1962.

THE JEFFERSONIAN
[Signature] Manager

Cost of Advertisement, \$.....

PENNSYLVANIA (NORTHCENTRAL) RAILROAD

66 To Balto City

N 03° 32' 40" W

408.79'
212.29'

10 Easement for Drains
51.73' 132.71'

200 Ac. W.J.R. 3928-1469
1.00 Ac

2.973 Ac. W.J.R.

3159/74

Future Addition

Exist.
Universal Lithographers
Bldg

Total Ac. 5.973±

N 85° 27' 20" E
582.30'
714 Line G.L.B. 2874-115

Ex 8 M.L. 1

EX 200 M.R. 4
EX 8

Ex 217 Br House

N 18° 48' 40" W

Ac. for Reopening 1.602±

S 18° 48' 40" E
135.63'

Ex 12 Water

10 PAVED
Incl. Shoulders

YORK ROAD

200' B.M.P. 4
Application for M.L. in

Cockeysville School

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY _____
DATE _____

Plot Prepared for ZONING purposes.
Applicant: Almar Realty, Inc. 31 S. Frederick St. Balto. 2, Md.
Owner: (Same)

8th District
Scale: 1" = 40'

Balto. Co. Md.
Dec. 14, 1961

JAMES P. SPANER & ASSOCIATES
REGISTERED ENGINEER NO. 2181
YORK RD. & BRIDGELAKE AVENUE
TOWSON, MD.

