## . . . . . . . . . OPINION

This is a petition of Louis E. Shecter et al for the reclassification of acres of land located on the northeast side of Reisterstown Road, 636 feet southeast of Pleasant Hill Road in the Fourth Election District of Baltimore County from "R-10" to "R-A". The property in question is an irregular shaped parcel of land which extends northerly along the east side of Reisterstown Road for a distance of 236 feet from the point previously mentioned and widens out to approximately 1000 feet in width about 500 feet back from Reisterstown Road. At the point where the widening occurs, the property has frontage on Pleasant Hill Road, so that this property forms the boundary on two sides for the Pleasant Hill Methodist Church, located on the southeast corner of Pleasant Hill Road and Reisterstown Road, and a contiguous parcel of land to the east owned by Baltimore County, Maryland and used for an elevated water storage

At the time of the adoption of the Fourth District zoning map on January 17, 1957, no apartment zoning of any kind was established in the entire Fourth Election District due to the lack of public facilities. Since that time, the water facilities serving this area have been increased by the construction of a 36-inch water main, replacing a prior existing 15-inch main, and public sewer facilities have been provided by the construction of the Gwynns Falls Interceptor from Mt. Wilson Sanatorium to Reisterstown. It is clear from the evidence in this case that no public sewer facilities existed to serve this property and other properties in the area at the time of the adoption of the map. Today the sanitary sewer mains extend through a parcel of land immediately contiguous to the seventeen acres petitioned for reclassification, said piece of land being contiguous on the east and being owned by the herein petitioners.

In addition to the above described changes, Mr. Hall of the Industrial ent Commission, testified that there have been a number of small industries established in the area to the south, employing approximately 1,100 persons with little or no rental housing existing in the area. There was testimony from Mr. Bernard Willemain that there is a depend for apartment land in this vicinity and in fact, there have been two parcels reclassified to "R-A" zones since the adoption of the map, one being approximately 1500 to 1800 feet to the south and the other being adjacent to the

SMITH AND HARRISON

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MAP

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Louis E. Shecter, Et NE/S of Reisterstown less SE of Pleasant H

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6365 more

June 11, 1962

John G. Rose, Esq. Zoning Commission County Office Building Towson 4, Maryland

Re: Petition for Reclassification from an R\*10 Zone to an R-A zone -North side Reisterstown Road, 636' S. E. of Pleasant Hill Road, 4th District, Rosalyn M. Shecter, Louis E. Shecter and Alan Shecter Petitioners - No. 5560

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your decision and Order dated May 31st, 1962 in the above entitled matter. I enclose herewith check in the amount of \$70.00 to cover the cost of entering said appeal.

Very truly yours,

M. P. Smith Michael Paul Smith Attorney for Petitioners

Chartley Shopping Center, some 1-1/2 to 2 miles to the north. Mr. Lester Matz, a highly qualified civil engineer, testified that the public water and sewer facilities were mp? now more than adequate to accommodate the sevenieen acres of apartment zoning herein requested, and further that the size and shape of the property is such that it would be extremely difficult from an economic viewpoint to develop the land in accordance with its existing "R-10" zoning because of severe topography. He further stated that the sight distance for vehicles leaving the property and entering Reisterstown Road would have to come to a stop, Reisterstown Road being a boulevard, and that there was more than adequate sight distance both to the north and to the south, and that he was of the opinion that there would be no traffic hazard or congestion created by the development of the

The majority of the Board, by agreement of counsel, have inspected the site and are in agreement with Mr. Matz that no traffic hazard will occur by this reclassification. Further, it is clear that error was committed in the adoption of the map by not providing some apartment zoning somewhere in the Fourth Election District, particularly when there were large industrial areas zoned which inevitably would create a need for apartment housing as industrial development occurred. It is also clear that there have been substantial changes in conditions with respect to the property in question with sanitary sewer facilities and the increased public water supply, as well as the zoning changes. Moreover, it appears that this property is well suited to apartment development. Its direct, but limited, access to Reisterstown Road, the existence of the Baltimore County water tank, and other characteristics of the area lead us to believe that development of the land for apartments is a logical and appropriate use of the land.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this \_\_\_\_\_\_\_\_ day of July, 1963 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby granted.

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

COUNTY ROARD OF APPEALS

CHAIRMAN CHAIRMAN

. **%** ... PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: \_\_legal owner\_\_ of the property situate in Baltimore # 4 County and which is described in the description and plat attached hereto and made a part hereof pursuang EC. 2-C hereby petition (1) that the zoning status of the herein described property be re-classic RA

to the Zoning Law of Baltimore County, from an K 10 zone; for the following reasons

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zon..ag 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 Losalyer m Sheeter Source & Sheeter

Address 1727 N. Charles St. Bolls 1, m.

er of Baltimore County, this 7th day 196 2 that the subject matter of this petition be advertised, as of February required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that 'he public hearing be had before the Zoning oner of Baltimore County in Room 106, County Office Building in Towson, Baltimor \_\_\_, 1962\_, at \_10t00 clock

23rd FEB /- 16 Play of May

ore County. 10:00 A

Protestant's Attorney

5723/62 pagn

5/1/62

#5560 RE: PETITION FOR RECLASSIFICATION REFORE COUNTY BOARD OF APPEALS MAP N/S Reisterstown Road, S/E of sant Hill Road, OF SEL. 2-Louis E. Shecter, et al, **RALTIMORE COUNTY** RA No. 5560

> DISSENTING OPINION

The petitioner herein seeks to reclassify a 17 acre tract from "R-10" to "R-A" in order to erect garden-type apartments having a total of 280 units. The property is located on the north side of Reisterstown Road, directly across from the Owings Mills Elementary School.

There was considerable testimony as to the amount of traffic on Reisterstown Road which has a 40 foot paved surface at this point. Protestants stated that traffic on Reisterstown Road has increased since the opening of the Beltway. They also pointed out that a considerable number of buses and cars transport children to and from the elementary school across the street from the subject property.

The petitioner's plans call for one entrance and exit to the proposed ment development at a point 125 feet south east of Ritters Lane and opposite the elementary school property. From the testimony presented, this does not appear to allow sufficient sight distance to the crest of the hill on Reisterstown Road at this point.

Mr. Bernard E. Willemain, planner, who testified for the petitioner, admitted that the property could be developed as "R-10" property.

Mr. George E. Gayrelis, Deputy Director of Planning for Baltimore County, stated that the Planning Department was opposed to the reclassification and that "R-10" development of the subject property would be compatible with the neighborhood. He said the locational factor does not make this area suitable for "R-A" development. He testified that, in his opinion, there was no error in the land use map adopted January 18, 1957 or tilet any substantial zoning changes have occurred in the vicinity since the adoption of the map. This opinion was concurred in by Mr. Edward L. Beauchamp, realtor and appraisor.

After considering the testimony in this case and persunally inspecting the site and surrounding neighborhood, this member of the Board is of the opinion that the reclassification petitioned for should be denied. The petitioner has failed to show

\_\_\_\_ 196\_\_\_\_ that the herein described property or area should be and

the same is hereby reclassified; from a\_\_\_\_\_zone to a\_\_\_\_\_

Pursuant to the advertisement, posting of property and public hearing on the above petition

and it appearing that by reasonant the Positioneral property heing located in an "H-10"

zero and the neighborhood not having changed in anyway to indicate that the

subject property should be resoned for sportments, the reclassification should

of Nay , 1962, that the above re-classification be and the same is hereby

DENIED and that the above described property or area be and the same is hereby continued as and

not be had; and further the original of the property was not in error.

it appearing that by reason of-----

zone, and/or a Special Exception for a

to remain a.c. "R-10"

sufficient changes which would warrant a reclassification. Furthermore, the Board has held in other opinions that the Land Use Maps of Baltimore County adopted by the County Council must be upheld, unless there is substantial testimony to show an error , EL in original zoning. This member of the Board can find no such error in the testimony presented by the petitioners in the instant case. The petitioner's own witness admitted that the subject property could be developed under its present classification os "R-10"

#5560

Date of Posting 9-19-62

CERTIFICATE OF POSTING Pursuant to the advertisement, posting of property, and public hearing on the above petition and ZONING DEPARTMENT OF BALTIMORE COUNTY Posted for appeal Hearing Patient of al redunor Jours a sugar it at water of property MS of Replication Rob S. E. of Pleasant Hell No and Michael flat Location, of Signa Marth mell of Cherolination Road Wolf Santhus t of Wessers July Road the above Reclassification should be had; and it further appearing that by reason of\_\_\_\_\_ \_should be granted Remarks
Posted by Starty Sinatury Date of return 9 20 62 IT IS ORDERED by the Zoning Commissioner of Baltimore County this .....

CERTIFICATE OF POSTING

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District 4 Ch		Date of Posting	4/5/63 13m
Petitioner: Mexues_	NIS Rust	stown Rd S.E	of Phinanet
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MICROFILMED

\_should be and the same is

Zoning Commissioner of Baltimore County

## BALTIMORE COUNTY, MARYLAND

eday, May 23, 1962 (10:00 A.M.)

The staff of the Office of Planning and Joning has reviewed the subject position for realassification from 8-10 to R-4 soning. It has the following advisory comments to anke with respect to pertinent planning factors:

The property is surrounded on all sides by R-10 single family residential sening. Although the property is situated on Relaterstorm Road - a major arterial highest, it is not attuated next to or in close precinity with neighborhood or community shopping facilities or centers of employment opportunity. The strong single featily residential character of the area as set forth by the ith histrict toning Mag and the proposed spartness some are not consistent with one another.

The planning staff ballers that apartment noning here would not be in accordance with the goals of the left Bistrick Rap. To ballers a the apartment soning is inappropriate in terms of the locational existeria stabilizated by the Planning Board. Oranting of apartment soning would have the effect of causing a chain reaction towards less restrictive saming for other properties in the area by establishing the very condition of change in character scenarios.

4. The 4th Dist ict Zoning Map attempted to balance potential population in the are \* (th the ability of 'te County to provide never services as Listed by 'de expecting of the Organis Falls interespon in Baltiners City Since the adoption of the map, soming changes have occurred which have not the them precarious balance of sever capacity and population potential. Granting the subject potition would have the effect of increasing sessage Llows approximately three times as compared with Re-10 development on the seme tract. Granting the patition could have a tendency to open the gate for less restrictive soming for other properties in the area and add to the problems of providing equitably public sewarage facilities.

TZ, CHILDS & ASSOCIATES INC 2129 N. Charles St. - B.Limore 18, Maryland HOpkins 7-5700 DESCRIPTION

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MAPO

17 Acre Parcel - Shecter Property

Beginning for the same on the northeast side of Reistersto the distance of 636', more or less Southeasterly from the sant Hill Road SE1.2-6 South 64-1/2" West, 13-1/10 perches line mentioned in the De from William V. Warfield, Atty., to Alexander T. Dolfield and Wife 5/1/62 dated November 6, 1893, and recorded among the Land Records Baltimore County, Maryland in Liber L. M. B. No. 21 at Folio 420. said place of beginning being also at the westernmost corner of a lot of ground conveyed by Alexander Y. Dolfield to Florence Gent, by deed dated March 14, 1903 and recorded among the aforementioned Land Records in Liber N. B. M. No. 268 at Folio 56: thence North 43° 39' 00" West, 526.04 feet, binding on the said northeast side of Reisterstown Road and on the first line described in a Deed from Underhill Estates at Baltimore, Inc. to Rosalyn M. Schecter, Louis E. Shecter and Alan Shecter, dated June 22, 1959 and recorded among the aforementioned Land Records of Baltimore County in Liber W.J.R. 3548 at Folio 590, to the end of the third or South 72\* West, 21 perches line of a parcel of land described in a Deed from Thomas Cradock Walker and wife to John Morrow, et al. Trustees, dated June 17, 1835 and recorded among the Land Records of Baltimore City, Maryland in Liber T. K. No. 260 at Folio 389; thence binding reversely on said third line, as now surveyed. North 70° 17' 30" East, 7.65 feet to

A. CHILDS & ASSOCIATES, INC.

Description: - Shecter Property - 17 Acre Parcel

thence binding on the fifth, sixth, seventh, eighth, ninth and tenth lines of the said Deed from Underhill Estates at Baltimore, Inc. SEC.2-C to Rosalyn M. Shecter, et al, the six (6) following courses and distances; (1) North 46° 50' 00" East, 159.86 feet; (2) 5/1/62

North 45° 17' 40" East, 17.00 feet; (3) South 44° 42' 20" East, 100, feet; (4) North 45° 17' 40" East, 290. 40 feet; (5) North 44° 42' 20" West, 100.00 feet; (6) North 45° 17' 40" East, 287.21 feet; thence running for a new line of division South 43° 29' 00" East, 696.77 feet to a point on the eighteenth (18th) or South 68\* 49' 30" West, 1454, 37 foot line of the said Deed from Underhill Estates at Baltimore, Inc. to Rosalyn M. Shecter, et al, 1379, 32 feet from the beginning thereof; thence binding on the eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third lines of the last mentioned Deed th

six following courses and distances; (1) South 68° 49' 30" West, 75.05 feet; (2) South 11° 46' 20" West, 865.35 feet; (3) North 43° 29' 00" West, 316.48 feet; (4) South 50° 24' 20" West,

75.00 feet; (5) North 43° 29' 00" West, 150.00 feet; (6) South 50° 24' 20" West, 400.00 feet to the point of beginning. Contain-

ing 17.000 acres of land, more or less.

Being a piece or part of the land described in a Deed from Underhill Estates at Baltimore, Inc. to Rosalyn M. Shecter, Louis E. Shecter and Alan Shecter, dated June 22, 1959 and recorded among

Description: - Shecter Property - 17 Acre Parcel

the Land Records of Baltimore County, Maryland, in Liber W.J.F 3548 at Folio 590 SEC. 2-C

The courses in the above description are referred to True North as established by the Metropolitan District of Baltin



CHILDS & ASSOCIATES, INC.

MAP

5/1/62

#5560

Descript a: - Shecter Property - 17 Acre Parcel

the beginning of the first or South 43° 29' 00" East, 283.51 foot line

SE1. 2-C Will Methodist Church, dated October 18, 1957 and recorded among the aforementioned Land Records of Baltimore County in Liber No. G. L. B. Q A-3252 at Folio 299; thence binding on the outline of said Deed from Underbill Estates at Bultimore, Inc. to the Pleasant Hill Methodis Church the three (3) following courses and distances: (1) South 43° 29' 00" East, 283, 51 feet; (2) North 46° 31' 00" East, 134 19 fact erroneously called North 46° 31' 00" East, 134.00 feet in the aforementioned Deed: (3) North 20° 56' 56" West, 100.02 fee to the end of the third or South 46° 31' West, 45.24 foot line of the Deed from Rosalva M. Shecter, Louis E. Shecter, Alan Shecter and Barbara Schecter to the Pleasant Hill Methodist Church, dated August 19, 1959 and recorded among the aforementioned Land Records of Baltimore County in Liber W.J.R. 3743 at Folio 574; thence binding reversely on the outline of the last mentioned Deed the two (2) following courses and distances; (1) North 46° 31' East, 45.24 feet; (2) North 14° 23' 20" East, 105. 19 feet to the end of the second or North 70° 17' 30" East, 342.95 foot line of the aforementioned Deed from Underhill Estates at Baltimore, Inc. to Rosalyn M. Shecter, et al; thence binding on the third line of said Deed North 70° 49' East,

110, 37 feet being the southernmost line of a piece or parcel of land

TELEPHONE

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

- 2 -

No. 11686 DATE \$/21/62

Division of Collection and Recei COURT HOUSE TOWSON 4, MARYLAND

To: Louis E. Sheeter 1727 W. Charles Street Baltimore 1, Md.

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TOWSON 4, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

BILLED Zoning Department of

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TITY	DETACH UPPER SECTION AND RETURN WITH YOUR PENITTANCE	COST
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CKS 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.

CHILDS & ASSOCIATES, INC. 2129 N. Charles Street - Balanore 18, Maryland

Description: - Shecter Property - 17 Acre Parcel

described in a Deed from C. Samuel Morris to the County Commissioners of Baltimore County, Maryland, dated May 27, 1953 and recorded among call the aforementioned Land Records of Baltimore County in Liber G. L. B. No. 2300 at Folio 492; thence binding reversely on the outline of the two pieces or parcels of land conveyed by a Deed from Underhill Estates at Baltimore, Inc. to the County Commissioners of Baltimore County, Maryland, dated February 27, 1957 and recorded among the aforementioned Land Records of Baltimore County in Liber G.L.B. 3118 at Folio 116, the eight (8) following courses and distances; (1) South 72° 46' 22" East, 57.27 feet; (2) North 17° 13' 38" East, 80.01 feet; (3) Northeasterly along a curve to the right, having a radius of 630.00 feet, for a distance of 75.23 feet and subtended by a chord bearing and distance of North 20° 38' 53" East, 75. 18 feet; (4) North 20° 15' 15" West, 27.95 feet; (5) North 64° 36' 00" West, 163.64 feet; (6) Northwesterly along a curve to the right, having a radius of 175.00 feet, for a distance of 64.69 feet, subtended by a chord bearing and distance of North 54° 00' 38" West, 64. 32 feet; (7) North 88° 17' 38" West, 28.22 feet; (8) North 44° 13' 20" West, 25.13 feet to a point on the fifth (5th) or North 46° 50' East, 249. 40 foot line of the aforementioned Deed from Underhill Estates at Baltimore, Inc. to Rosalyn M. Shecter, et al, 89.54 feet from the beginning thereof;

BALTIN ORE COUNTY, MARY AND No. 11671 OFFICE OF FINANCE Vivision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND DATE 6/13/60 COST \$70.00 6-1762 0005 + 11671 sppnon IMPORTANT! MAKE CHECKS PAYABLE TO JALTIMORE 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 POSTING

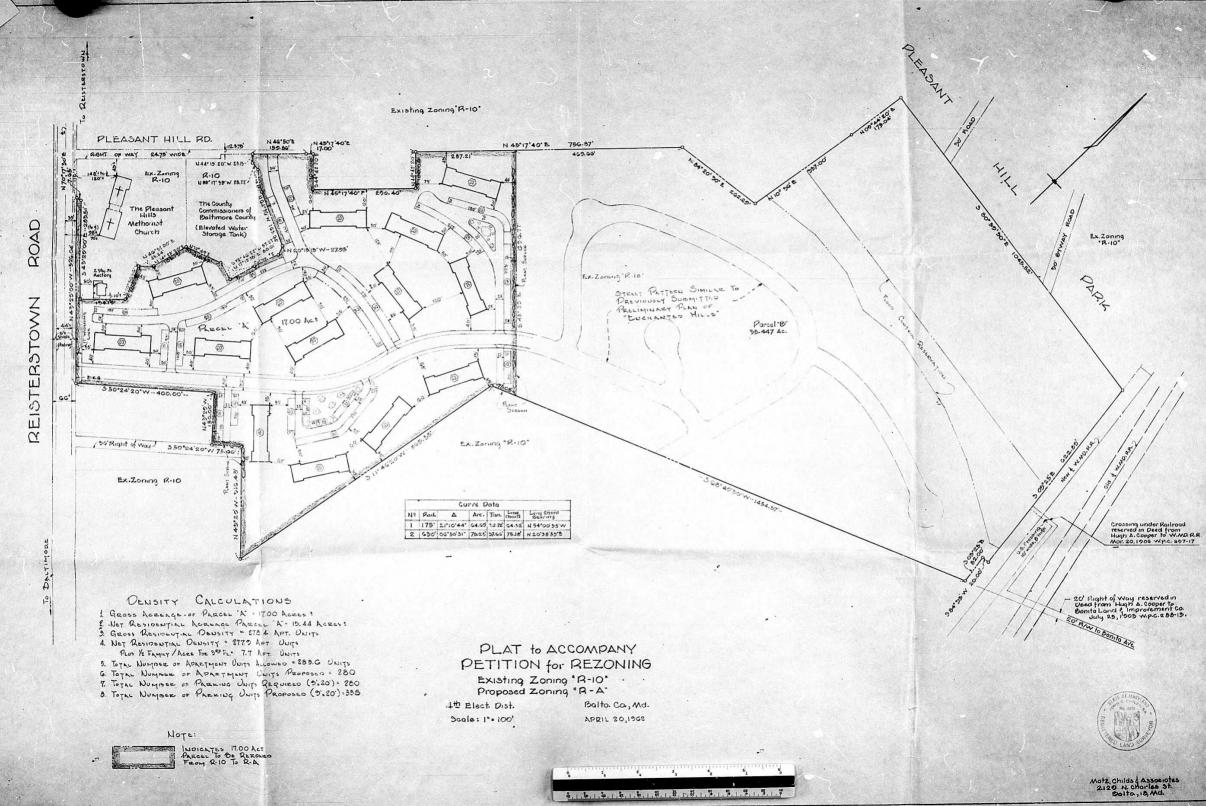
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## CERTIFICATE OF PUBLICATION

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TOWSON, MD
THIS IS TO CERT'SY, that the annexed advertisement was
published in THE JEFFERSONIAN, a week'y newspaper printed
and published in Towson, Baltimore County, Md., ************************************
oft 1 time successore before the 23rd
day of, 19_62_, the first publication
appearing on the 4th day of May
19.62
THE, JEFFERSONIAN,
Look Strutter
Manager.
Cost of Advertisement. \$



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