## PETITION FOR ZONING RE-CLASSIFICATION #5617 RX AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

.

MAF GRANG SYLVIA CONSTRUCTION CO. legal owner .. of the property situate in Balti County and which is described in the description and plat attached hereto and made a part hereof, #3 SEC.2-C hereby petition (1) that the zoning status of the herein described property be re-classified, pr to the Zoning Law of Baltimore County, from an \_\_\_\_\_ R. 20\_\_\_ RA-X RA \_\_\_zone: for the following reasons 7/10/62

(a) An apartment house would be the best use of the land;
(b) The land is not adaptable for house construction; a spartment house would be an attractive addition to the ighborhood.

neighborhood; (d) An apartment house would be the best economic and land use and the best potential utilization. (e) An apartment house would add réditional tax basis.

(f) Scrause of changes in character of the neighborhood after the last soming map. See Attached Description (g) The present soning works an unreasonable hardship upon applicant because of limit of the property.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore

County, to use the herein described property, for an elevator apartment building. Section 502.1, Section 502.2

roperty is to be posted and advertised as prescribed by Zoning Regulations

L 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. Protestant: attenues

Rile 4: Alletta

SYLVIA CONSTRUCTION COMPANY... INC. By: Derla V. C. Malle.
Logal Owner President

Pelitioner's Attorney
+tonal Bank B Harry Adelberg \_Petitioner's Attorney 1235 Marvland National Bank Bldg. - 2

Baltimore-9, Maryland .... anold Feeisch woun Doo First Protestant's Altorney TOWNY, Ned VASSO20

1982 at 2100 o'clock

ORDERED By The Zoning Commissioner of Baltimore County, this ... 21st\_\_\_day May 196 2 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 had before the Zoning oner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 19th day of July

County 21-62-

In Ist Goe

R2: PRIVION FOR REGIASSIFICATION FROM AN "R-20" ZMC TO AN "R-4" ZMC - N. E. Sich Lightfoot Drive 31; Oh! from Gid Louri Road; Jrd District and Special Emop-tion for Rhavator Apartment Building - Sylvia Construction Co., "oitions"

BREVER ZONING CONSCISSIONER

> DATETMORE COUNTY No. 5617-RY

> > MAPV

SEC.2-C

RAT

7/10/62

June 1, 1962

The petitioner in the above matter requests a reclassifiation from an "R-20" Zone to an "R-A" Zone and a special exception for

.................

The subject property adjoins the Arundel Brooks quarry orty on the east which is zoned Manufacturing Heavy. On the north is the face of a cliff of an abandoned quarry where the unseen property is zoned "R-20". On the south is Moore's Branch stream and a flood vation and the soning is "R-20". The west bounds on Lightfoot Dates and the coning is "R-20".

The petitioner built the homes located nearby and desires to build luxury type apartments on the site.

The tract is approximately 10 acres in size. It is proposed that 140 apartments be built with underground parking for 225

The plan submitted appears to be well suited for this unique piece of land. The requested use is a more reasonable and practical use than the "R-20" zoning now existing.

It is this 16th day of November, 1962, by the Zoning Commissioner of Baltimore County, CRDERED that the he. in described property or area should be and the same is hereby reclassified; from one to an "R-A" Zone and a Special Exception for an Elevator building should be and the same is granted, from and after the date of this Order, subject, however, to approval of the site rlan by the Division of Land Development and the Office of Planning and Zoning.

Lila CarChilla

MATZ, CHEEDS & ASSOCIATES, INC. Engineers - Surveyors - Site Planare 2150 N. Charles St. - Baltimore 18, Maryland HOpline 7-5700

DESCRIPTION

9.7227 ACRE TRACT, PART OF "MIDFIELD", THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MD.

Beginning for the same at the beginning of the land which by Deed dated December 23, 1958 and recorded among the Land Records of Balti-County in Liber W. J.R. No. 3470, Folio 287 was conveyed by Leonard Rosen and others to Sylvia Construction Company, Inc., and running thence, binding on a part of the first line of said land, (1) S. 06 ° 30' 00" E., 224.50 feet to a point on the northernmost outline of Plat II of Section Two "Midfield" recorded among said Land Records in Plat Book W. J.R. No. 26, Folio 128, thence continuing along said first line and binding on said outline, (2) S. 06 \* 30' 00" E., 55, 50 feet to the stone heretofore planted at the end of said first line, thence binding on a part of the second line of said land and still binding on the outline of said plat, (3) N. 86° 19' 50" E., 358.26 feet to a point in the rear line of Lot No. 15, Block "F", as shown on said plat, thence binding on a part of said rear line, (4) S. 65° 35' 00" W., 145.56 feet, thence still binding on a part of the rear lines of Block "F", as shown on said plat and on Plat II of Section Four "Midfield" recorded among said Land Records in Plat Book W.J.R. No. 27, Folio 87, the six following courses and distances: (5) S. 67 \* 40' 10" W., 77.63 feet, (6) S. 82 \* 36' 00" W.

CHILDS & ASSOCIATES, INC.

Description: 9,7227 Acre Tract, Part of "Midfield", Third Election

District, Baltimore County, Maryland

100. 00 feet. (7) S. 80° 26' 00" W., 300. 21 feet, (8) S. 83° 31' 25" W., 538.49 feet, (9) S. 78° 20' 00" W., 167.04 feet and (10) S. 86° 47' 40" W., 233, 04 feet, thence continuing the same course along the rear line of the Existing Pumping Station Lot show, on said last mentioned plat, (11) S. 86° 47' 40" W., 36, 35 feet, thence binding on the westernmost line of said lot, (12) S. 21° 34' 20" W., 43. 23 feet to the northeast side of Lightfoot Drive, as laid out 60 feet wide and shown on said last mentioned plat, thence binding thereon, (13) northwesterly, by a curve to the left with a radius of 1380.00 feet, the distance of 364.95 feet (said arc being subtended by a chord bearing N. 77° 22' 26.5" W., 363.88 feet), and (14) N. 84° 57' 00" W., 121.70 feet to a point in the eighth line of the land herein referred to, thence binding on a part of said eighth line, (15) N. 29° 53' 00" E., 10. 11 feet to the end thereof, and thence, binding on the last line of said land, (16) N. 74° 36' 20" E., 1727.08 feet to the place of beginning.

Containing 9. 7227 acres of land.

Being a part of the land which by Deed dated December 23, 1958 and recorded among the Land Records of Baltimore County in Liber W. J. R. No. 3470, Folio 287 was conveyed by Leonard Rosen and others to Sylvia Construction Company, Inc.

5/17/62

HGW:sbr J. O. #58017

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS #5617 MUREAU OF PUBLIC SERVICES Inter-Office Correspondence

James Dyer Department of Public Works Firstings Relative to Meeting of May 25, 1962

Daniel S. Greenbaum, et al Property to R-I and R-A Zones - District 3 The captioned area splits about midway, running north and south. The northern area can sever into the Carrison subinterceptor, running due north to existing system appreximately 750°.

The northern portion and the southern portion can be sewered into the Gwynns Falls Interceptor approximately 11:00' to the southwest.

The current zoning of the Schwaber tract to the north of the cantioned site should be investigated.

A complete and thorough study must be accomplished to satisfy the best means of severing the area both for sound engineering and

Mater is not available for this site and will require a complete

All roam as indicated are inadequate in width and must be reviewed for both planning and engineering.

Sylvia Construction Company Properly
Proposed Zoning: Petition for Reclassification from R-20 to R-4 Zone.
XES Lightfoot Dr., 363.06; to C/L of paving on Old
Court Rd. - District 3 Sanitary sever is available. Availability of water and the tie-in of Lightfoot to Old Court Ed. is engineered, but withheld due to Nt.

n Schwab's Property
Zoning: Petition for Special Exception for Funeral Home.
E.S. Ealtimore Ave. and S.S. of 2nd Ave. - District 13

From the notes available and without the aid of a plat the adjacent road is contained within a 2½ foot section and presents a problem : two-way traffic. The offstreet parking area and the required area for making up funeral car assemblies is totally inadequate.

BALTIMORE COUNTY, MARYLAND

TO Mr. John G. Rose, Zoning Commissioner FROM Mr. George E. Cavrelis, Deputy Director

STRIBET, \$5617-RI. R-20 to R-4 and Special Exception for Elevat Apartment Building. Northeast vide of Lightfoot Drive 313.0% feet to center line of paying on Old Court Road, Being property of Shivia Construction Company.

3rd District

HEARING: Thursday, July 19, 1962 (2:00 P.M.)

The staff of the Office of Flanning and Zoning has reviewed the subject patition for reclassification from R-20 to R-2 socing together with a special exception for elevator apartment building. It has the following advisory comments to make with respect to pertinent planning factors:

- 1. The subject property is situated along the extension of Lightfoot Brive northwestelly from Midfield Head to did Court Road. It is surrounded on three sides by single faulty, large lot residential zoning. On the east the property adjoins a trust zened for heavy samifacturing purposes whose segatory and is devoted to 4 quarry activities. Trees and topographs differences divide natural buffering between the quarry activities and the subject property. Fortic of the subject property were designated as a stream walley park on the Master Plan for the jield District.
- Exemination of land use data indicates that no changes in the manner of land use from those set forth by the 3rd District Zening Hap have occurred. All development in the area has occurred in accordance with the soning as set forth on the 3rd District Zoning Hap.
- The subject property is not adjacent or in very class processly to shopping facilities. Nother as a located as the confluence of subject property districts. Nother as a located as the confluence of reporty does not need the locational criteria for high rise sparteers development. It would appear thet apartment development on the subject property would be incongruous with either the existing or potential single family residential character of the area and that each development spartment development would be impropriate and inflamentum exit single family residential character of the area and that each development less than the subject residence of the subject residence of the subject residence of the subject residence of the subject risk and inflamentum exit single family residential development. See that subject risk and the subject risk would not be an accordance with the goal of althor the Master Flan or the Zoning Map and would constitute spot soning.

GEG a bess

BALTIMORE 2. MARYLAND November 30, 1962 WONNE WAR Va 5-0711

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

Re: Petition for Reclassification ne side Lightfoot Drive, Sylvvia Construction Company - Petition #5617 RX

FNI ir: heg

I am writing on behalf of the protestants in the above case to note an appeal to the Board of Appeals from the order dated November 16, 1962, granting the Petitioner's application for reclassification and for Special Exception application for reclassification and to be operate societies in the above matter. I enclose a check in the amount of \$70,00 made payable to me by Stanley N. Yaffe, of the Midfield Improvement Association, which check I have endorsed to the order of Baltimore County, Maryland, for the above appeal

Francis N. Iglebart, Jr.

cc: Arnold Fleischmann, Esq.

Sincerely yours, Francish Dylehonton

RE: PETITION FOR RECLASSIFICATION from an "R-20" Zone to an "R-A" Zone, and SPECIAL EXCEPTION for an Elevator Apartment Building, NE/S Lightfoot Drive, 343.04' from Old Court Road.

REFORE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 5617

## 1 1 1 1 1 1 1 1 1 1 OPINION

This is a petition of the Sylvia Construction Company for reclassi from an "R-20" Zone to an "R-A" Zone, and a special exception for an Elevator Apartment Building on the northeast side of Lightfoot Drive, 343,94 feet from Old Court Road in the Third District of Baltimore County.

The Board is unanimous in its opinion that the petition for reclassification should be denied. The testimony produced by the petitioner failed to show any error in the original zoning of the property on January 16, 1957 by the County Commissioners in the adoption of the Third District land use map and, further, their testimony failed to produce any material changes in the neighborhood.

With regard to error, it was the contention of the petitioner that the County Commissioners had been arbitrary in using the property line as the dividing line between the "M-H" Zone on the southeast and the "R-20" that was placed on the subject property. Further, that to their knowledge there was no other instance in Baltimore County where you found an "R-20" abutting an "M-it" Zone.

As previously stated this property was zoned by the land use map on January 16, 1957. The petitioner purchased it on December 23, 1958. At the time of purchase the property contained 46 acres, plus or minus. The balance of land that is left after development, which is the subject of this petition, is 9.7 acres, plus or minus. Of the 36 acres of land that have been developed all were developed by the petitioner in half acre lots. There has been no testimony that would show that any hardship was encountered in selling these fifty-five homes, and no testimony that the presence of the "M-H" Zone has had a detrimental effect whatever on the sale of these homes. Rather testimony has been to the effect that these homes range in price from \$35,000 to \$40,000, and the exhibits placed into evidence certainly signify a well groomed and well developed rusidential area. It seems perfectly plain from the testimony, that up until a labort time ago the petitioner intended nothing more than single family residences on the subject property and the Board can see no reason from the testimony presented to find that the County Commissioners erred in zoning this 9.7 acres in any different classification than the other 36 acres of the petitioners' property.

was the completion of the Moore's Run interceptor sewer; the conde of property on the east side of Seven Mile Lane for a junior high school referred to in the testimony as the Wolfe property; and the opening of the Baltimore County Beltway. It erfectly obvious, from testimony presented, that the County Commissioners had full owledge of the Moore's Run interceptor sewer as well as the construction of the Baltimore County Beltway at the time of the adoption of the land use map, and even if they had not justification to consider these sufficient change to warrant such a reclassifi-

With regard to the junior high school site, certainly the purchase and truction of a school in a residential area is the usual and not the unusual and, if anything, enhances the residential value in that it provides adequate school facilities, and actually gives more open space in the neighborhood in which it is situated.

It is the unanimous opinion of the Board that the petitioner has failed to sho any error in the adoption of the map or sufficient change to warrant such reclassification. With regard to the special exception, inasmuch as the petition for reclassification has been denied the question of a special exception becomes mute.

For the reasons set forth in the aforegoing Opinion, it is this 24% ir, 1963 by the County Page of 6 day of October, 1963 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby denied.

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

Note: Mr. Steinbock did not sit at this hearing.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

& history Out

gawam Omonskin LINY CONTENT

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al on behalf of Sylvin Co rd of Appeals of Politicers Co.

114 28 '62 PM -#5617 PX NTER-OFFICE CORRESPONDENCE DEPARTMENT OF PUBLIC SAFETY Baltimore County, Maryland MAP Towson 4. Maryland Date June 27, #3 SEC 2-C Mr. John G. Rose, Zoning Commissioner Walter J. Addison RA-X Special Exception for Elevator Apartments -Sylvia Construction Company Property 7/10/62 SUBJECT:

A proposed petition for zoning change from R-20 to RA on the Sylvia Construction property located on the northeast side of Lightfoot Drive 340 feet from the center line of Old Court Road in the Third District was reviewed at the Zoning Advisory Committee Neeting on June 22, 1962.

From the site plan presented at this hearing, it would appear that the only access to this property will be by means of Lightfoot Drive which is indicated to be a 30 foot paved street with a classification of a local residential street. According to the site plan, there would be 140 units in this property with 225 car parking. The location of this site for high rise elevator partners would appear to be inappropriate since it is not convenient or accessible to either public transportation or other commercial activities such as night be required in an apartment development. All of the surrounding land is developed or will be developed in single family residential units on rather large lots. By the isolated location of such an apartment zone, it would require an additional number of trips over that which would take place in an apartment area close to a commercial area with public transportation provided. From the site plan presented at this hearing,

It is estimated that with a development this size there would be generated between 750 and 1,000 trips a day, all of which have to use Lightfoot Drive. It is my opinion that this kind of wehicular use of a local residential street is excessive and would tend to create problem in the vicinity to the detrienent of the adjacent property owners.

WJA:ach

Walter J. Addison, Chief Division of Traffic Engineering

CERTIFICATE OF POSTING

#5617 Townen, Maryland

Date of Posting June 27, 1962 Posted for: "R-20" to "R-4" - special exception for alevator apartments. Sylvia Construction Company Location of property: N.E. S. Lightfoot Drive 31340h' to C/L of paving of Old Court Road, etc. See plat Location of Signs: two signs on Lightfoot Drives another two signs back on said-property.... Posted by \_\_\_\_George\_R\_Burnel Date of return. June 28, 1962

> CURTIFICATE OF POSTING RTMENT OF BALTIMORE COUNTY

District3rd	Date of PostingIune_1 1963
Posted for Replanaification from an "R-20" Zor Special Exception for Elevator Apar	
Location of property: NE/S Lightfoot Drive, 343.0	4' from Old Court Hd.
Location at Signe 200 East East of Alach on with aids of light fort dr. 15	
	ale at return June 21 1963
() <del>-</del>	#5617

\$ 9.00 DUNT NO. 01.712 50.00 PAND - Bellesson Courty, Mid. - Office of Place 11-27-63 7183 · · TIL-9.00

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

COURT HOUSE

No. 20805

DATE 11/27/63

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.

TELEPHO	OFFICE OF FINANCE Division of Callesian and Recipts COURT HOUSE TOWSON 4, MANYLAND	D No. 14285
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	Page 1	
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Zone.
Petition for Special Exception for Elevator Apartment Building.
LOCATION: Northeast side of Lightfoot Drive 343.04' feet to

LOCATION: Nerthant side of Lightfeet Drive \$43.07 feet is enter line of swing on Old senter line of swing on Old senter line of swing on Old DATE & THUS \$1.00 feet of the Control of Editions of Baltimers County, by authority the Control of the Control of the Control of Editions of Baltimers County, by authority the Control of Editions of Editions of Control of Editions of Editions

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each line, (6) S. 08 to S. 85° 47° 40° W., 233.04 foet, thence continuing the same course along the rear line of the existing pumping station lot shown on said last mentioned plat. (11) S. 85° 47° 40° W., sist. (1) E. 8°, 4° 6° 7° W.
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Laghtfoot Drive, as lad and
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Laghtfoot Drive, as

land.

Being a part of the land which
by Deed dated December 23, 1958
and recorded among the Land
Records of Baltimore County in
Liber W.J.R. No. 3470, Folio 237 Liber W.J.R. No. 3470, Folio 257
was conveyed by Leonard Rosen
and others to Sylvia Construction Company, Inc.
Being the property of Sylvia
Construction Co., as shown on
plat plan filed with the Zoning JOHN G. ROSE, ZONING COMMISSIONER OF BALTIMORE COUNTY.

OFFICE OF

## THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS

Reisterstown, Md

No. 1 Newburg Avenue

THE COMMMUNITY PRESS

Dundalk, Md.

THE HERALD - ARGUS

CATONSVILLE, MD.

5617

19 62.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Ealtimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Marysuccessive weeks before 19 6% that is to say day of July. the the same was inserted in the issues of June 29, 1962.

THE BALTIMORE COUNTIAN

By Paul I morgany Editor and Managory

BALLENDRE COUNTY, MANY AND TELEPHONE No. 1168 OFFICE OF FINANCE DATE 5/22/62 Division of Collection and Receipts COURT HOUSE

Baltimore 2. Mi.

TOWSON 4. MARYLAND To: Harry Adelberg, Req. 1235 Mathieson Building

Zoning Department of Baltimore County

TELL MO 01622 DETACH UPPER SECTION AND DEALEN WITH YOUR REMITTANCE COST Petition for Reclassification & Special Exception for Sylvia Constr. Co. 50.00 00.00 > ZZ 62 4716 . . TIL-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND All TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND FASE PETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY, MARY AND OFFICE OF FINANCE

Division of Collection and Receipts COURT HOUSE

No. 12935

DATE 7/17/62

TOWSON 4 MARYLAND

To: Slyvia Construction Co., Inc. Bex 320 BILLED Zoning Department of Baltimore County Baltimore 9, Md.

DEPOSIT TO AC	\$70.00	
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property on Lightfoot Drive	70.00 -
	Bid-Edward Company - Consideration	
	7-17-62 75-7 • • • IXP	0.00
	3	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYI AND MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland #5617

Date of Posting 6-27-62 Posted for and -20 to A - A + Elevator Grantments Petitioner: Inlyia Construction to

Location of Signe There segue al the of Sightfoot see anally two ness

buch ansaid many

Date of return: 6-18-62



