RE: PETITION FOR RECLASSIFICATION from an "R-6" Zone to an "R-A" Zone S/S Old Frederick Road, 113" west of Dunbar Avenue, 1st District Frederick W. Heinicken, et al

BEFORE COUNTY BOARD OF APPEALS

> OF BALTIMORE COUNTY

No. 5741

. OPINION

The petitioners herein seek to reclassify a tract of approximately 8-1/3 acres on which is located their residence. The property has a frontage of 372 feet on the south side of Old Frederick Road and is approximately 700 feet deep along its eastern boundary and approximately 900 feet deep on its western boundary.

All land surrounding the subject property is zoned "R-6". Directly across Old Frederick Road on the north side are individual cottages. Immediately adjoining to the west is a residence containing a non-conforming grocery store in the front portion. On the eastern boundary is a strip of vacant land zoned "R-6" and next to this vacant strip are a row of well kept cottages and ranch type homes along Suter Road in an "R-6" Zone.

Mr. Donald H. Gobeli, contract purchaser, testified that he plans to build garden type apartments containing 120 units with an equal number of purking spaces. The principal entrance and exit will be on Old Frederick Road which has a payed width of 20 feet and no sidewalks.

The petitioners contend that there was an error in the land use map adopted by the County Council on April 5, 1960 in that it did not recognize as "R-A" zoning the opartments on Melvin Avenue and on the east side of Suter Road. These residences, which were erected approximately ten years ago, have the appearance of individual homes but are being rented as apartments. They are separated from the subject tract by Suter Road, the row of individual cottages on the west side of Suter Road and the above mentioned vacant strip of land.

The only change in Honing classification submitted by the petitioners was a change from "R-6" to "B-L" at Edmondson and Edgewood Avenues in October 1961. This location is more than 1-1/2 miles from the subject tract.

The protestants, who are residents in the immediate neighborhood, testified that the erection of apartments would adversely affect the value of their homes. They also stated the traffic on Old Frederick Road would be greatly increased by the

October 25, 1962

John Warfield Armiger, Eso Jefferson Building Towson h, Maryland

Re: Petition for Reclassification from R-6 to R-A for Frederick Heinicken, located Old Frederick Read at Fine Street

The Zoning Advisory Committee has reviewed the above petition and have the following comments:

The job in Pine Street at Frederick Road, should be eliminated by realigning the proposed Pine Avenue to provide a four way intersection with the existing Pine Avenue.

Pine Avenue as proposed with a 50 feet right-of-way and 30 feet of paring is not sufficient for a development of this type. This street should be a 60 foot right-of-way with 36 feet of paring.

3. A 15 foot widening strip should be indicated for Frederick Road to provide a 70 foot right-of-way.

h. A road connection should be provided between the propose Pine Avenue and Dumbar Avenue.

5. The entrances to all parking bays should be a minimum of 2h feet.

6. Density colculations should be indicated on the plan-

If you have my questions, concerning this matter, please do not besitate to contact me.

Yours wery truly,

construction of 120 goartment units

The protestants introduced another factor in this case which is worthy of some consideration. The subject land is in the center of an all negro community. The protestants contend that there is a need for individual homes for negroes in this area and that the Heinicken tract is the only large piece of land available for such construction.

In the case of Shadynook Improvement Association, Inc. v. Lawrence W. Molloy, a case quite parallel to this petition, the Maryland Court of Appeals stated that "it is a well established rule in this State of the strong presumption of the correctness of original zoning and of comprehensive rezoning and that to sustain a piece-meal change therefrom there must be strong evidence of mistake in original zoning or in the comprehensive rezoning or else of a substantial change in conditions".

The Board is of the opinion that the petitioners failed to prove an error in the original zoning or sufficient change in the neighborhood since the adoption of the map in 1960 to warrant reclassification. Therefore, the reclassification sought for should be depled

ORDER

For the reasons set forth in the oforegoing opinion, it is this 5 day of September, 1963 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 Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS

Note: Mr. Kaufman did not sit at this hearing

A OLA

Frederick

#5714: 113' E o

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Pr. John G. Bose, Zoning Completions Date. January 16, 1963. FROM Mr. Deorge B. Gavrelis, Deputy Director

SUBJECT. #5701. R-6 to R-4. South side of Old Trederick of Trederick Heinicken. Being property

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It has been brought to my attention that the staff comments concerning the subject petition for zoning re-O alagaification were transmitted incorrectly to you. The last sentence should have read, "the Planning Staff believes that the original roning was not in error."

on: Mr. J.W. Armiger

RE: PETITION FOR RECLASSIFICATION from an "R-6" Zone to an "R-A" Zone,
S/S Old Frederick Road,
Il3' west of Dunbar Avenue,
Ist District
Frederick W. Heinicken, et al

BEFORE THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

No. 5741

Please note an Appeal on behalf of Frederick W. Heinicken and Leta Heinicken of Baltimore County to the Circuit Court of Baltimore County, in the matter of the Petition for Reclassification of real property situate s/s Old Frederick Road, 113- west of Dunbar Avenue, 1st District, Baltimore County, being the property of the petiuoners.

This appeal is from the decision of the County Board of Appeals of Baltimore County, dated September 5, 1963, denying the requested re-classification and is filed pursuant to the provisions of Maryland Rules 110! h

> La Tennegar John Warfield Armiger Atty. for Petitione 406 Jefferson Building

I hereby certify that a copy of the aforegoing ORDER OF APPEAL, was, prior to the filing thereof, served on the County Board of Appeals of Baltimore County by leaving a copy of same with the Secretary of the said Board at its office in the County Office Building, Towson 4, Maryland, pursuant to the Maryland Rules of Procedure.

Mellingen John Warfield Armiger

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, E. Leta Heinicken legal owners, 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 R=6.... RA [Residential Apt.]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 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 roning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Frederick W. Heinicken Frederick W. Heinicken E. Leis Heinicken Legal Owner Address CLD FREDBERGIED OF CLD FREDREAKER RUAD

JOHN WARFIELD Address Armiger.

406 Jefferson Bidg., Towson 4, Md.
VAILEY 5-7500
ORDERED By The Zoning Commissioner of Baltim ning Commissioner of Baltimore County, this 14th

September , 195. 2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, the messpapers 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 Bull-ling in Towson, B. ltimor SEP 16 62 County, on the ...



day of January of Janu

1111/63

LAW OFFICE JOHN WARFELD ARRIGER TOWSON 4. MAR. LAND

January 30, 1963

Honorable John G. Rose. Zoning Commissioner for Baltimore County County Office Building

> Re: Petition for Reclassification from "R-6" Zone to "R-A" Zone -S, S, Old Frederick Road 113' E, of Dunbar Ave., 1st Dist., Fred. W. Heinicken and E. Leta Heinicken, Petitioners -Donald H. Gobeli, Cont. Pur.

Please enter an Appeal to the County Board of Appeals from your Order of January 29, 1963, denying the Petition for reclussification in the above matter.

Very truly yours,

John Warfield Armiger

JWA:bt



the above Reclassification should be had; and it furth	
CASSW & Hemmes	
a Special Exception for a	should be grante
IT IS ORDERED by the Zoning Commissioner of	Baltimore County this
day of	n described property or area should be an
the same is hereby reclassified; from a	zone to a
zone, and/or a Special Exception for a	should be and the same
granted, from and after the date of this order.	an
_	
Pursumt to the advertisement, posting of proper	ty and public hearing on the above petition
Parsumt to the advertisement, posting of proper and it appearing that by reason of1003.510.n.ard.31	
	nere bar been no change in the
and it appearing that by reason of _location_and_t	nere bar been no change in the
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and it appearing that by reason of _location.and.ii	nara,bar basa no changa in tha

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

IT IS ORDERED by the Zoniag Commissioner of Baltimore County, this 294DENIED and that the above described property or area be and the same is hereby continued as and to remain a.n "B-6"

MICROFILMED

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LAW DFFICES I SS PH

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Hose, Zoning Commissioner Date Jan. 3, 1963

FROM Mr. George E. Gavrelis, Deputy Director

SUBJECT. \$5701. R-6 to R-A. Southside of Old Frederick Boad 113 feet East of Dustar Avenue. Being property

Wednesday, January 16, 1963 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R-4 zoning and has the following advisory comment to make with respect to

1. The 1st Nativity South May sought to recognise and affirm the character of the neighborhood as it now exists. Not south year retained for the frictage along Gid Frederick Boad. Some spartness tooling was remarked alongside Satisface Hational Pike-böw very carefully No. Southing was retained on the north side of Gid Frederick Boad. Since the adoption of the Zouthin May no real changes in the pipe and on the south May not change in the pipe and on the court May not change in the pipe and on the state of th

TELEPHONE



BALTIMORE COUNTY, MARYLAND No. 16426 DATE 2/14/63

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

		TOTAL AMOUNT
DEPOSIT TO ACCOUNT NO. 01-622		
QUANTITY	Cost of a pool in matter of politics of John Heinicken	\$70.00
	No.571A	
	2-1963.9728 * * * ML*	10,00

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.

BALTHORE COUNTY, MANY AND No. 17424 DATE 9/27/63

OFFICE OF FINANCE

	Towson 4, Maryland	(Zoning)	
	01.712		TOT \$ 6.00
QUANTITY	Cost of Cartified Documents for -	No. 5741 No. 5741 **FEDERICK W. HEINICKEN, et al. 5/5 Old Fredorick Road, 113' out of Dunber Ave. 160 District	\$ 6.00
	≯ -ZI (3 +309 · · • TL-	6.00
	<u> </u>		or make 42

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND MAIL TO DIVISION OF SECTION OF THIS BILL WITH YOUR REMITTANCE.

John Warfield Armiger, Esq. Jefferson Building Towson b, Maryland

Re: Petition for Frederick Heinicken, located at Old Frederick Road and Pine Avenue

This Office has reviewed the revised plans for the above petition and have the following comments to make:

1. The denisty calculations are not complete. The er of families per acre should be shown for net and gross

If you have any questions, concerning this matter, please do not hemitate to contact me.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Dirition of Collection and Receipt COURT HOUSE TOW: JN 4, MARYLAND

Advertising and posting of property for Frederick Heinicken

MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALLIMORE COUNTY, MALYLAND

OFFICE OF FINANCE

COURT HOUSE
TOWSON 4, MARYLAND

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

Petition for Heolassification fro Frederick W. Heinicker

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

1-16-63 4032 . . . TII-

9-17-62 627 · · · TIL-

5-1762 czr · · · III-

Yours very truly,

11400 0 1400

No. 15439

DATE 1/16/63

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48.50

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No. 14137

DATE 9/14/2

\$50.00

50,00

JED/hs

TELEPHONE VALLEY 3-3000

TELEPHONE

To: John W. Armiger, Seq. The Jefferson Building Towson h. Md.

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Octo Lee 4604 manfield ans

WILLARD M. LEE

REGISTERED CIVIL ENGINEER 4604 MAINFIELD AVENUE

S.S. Old Frederick Road 113 fee. E. Dunbar Avenue

Beginning for the same on the south wide of Old Frederick Road at the distance of 11) feet meanered along the south side of Ol Frederick Road at the distance of 11) feet assauthed along the south side of Ol Frederick Road at the first state of the title said for the state of the state and the said of the state of the state of the state of the said said for the state of the state

Containing 8.45 acres of land more or less.



PETITION FOR ZONING RECLASSIFICATION 16t District ZONING: From R-6 to R-A Zone. LOCATION: South side of Old Frederick Road 113 feet East of Dunbar Avenue. DATE & TIME: WEDNESDAY, JANUARY 16, 1963 at 11:00

A.M PUBLIC HEARING: Room 105, County Office Building, 111 W. Cheaspeake Avenue, Towson, Maryland.

authority of the Zoning Act and Regulations of Balti-more County, will hold a public hearing: Concerning all that parcel of land in the First District of Baltimore County. of Baltimore County.

Beginning for the same on the moath side of Old Frederick Road at the distance of 113 feet measured along the south side of Old Frederick Road 10 feet side for the south side of Old Frederick Road 10 feet side for the south side of the south side and side of the first side and the beginning being at the beginning of the fifth line of that tract of land which by deed dated May 4. 1355 and recorded among

Road South 54 degrees 0 minutes East 372.64 fee thence running for a net line of division South degrees 45 minutes 56 as conds West 904.12 feet to grees degrees beginning.
Containing 8.45 acres of land more or less.
Being the property of Frederick W. Heinicken an

OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS

THE HERALD - ARGUS No. I Newburg Avenue

CATONSVILLE, MD.

December 28, 1962

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 Week STATE NEW SER before the 28th day of December, 1928, that is to say the same was inserted in the issues of December 28, 1962.

THE BALTIMORE COUNTIAN

By Paul J. Margay Editor and Manage, 5

CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY

	Person, maryland
nd nd	Date of Posting June 6 1963
appeal Hearing : Re	classification from an Religion To PAZo uniockim al al
	muschen , it is

Location of Signer 1/15 of devening to subject property us feet East of Pine St.

Posted for:

Date of return Jause 13 1943

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland	#5711
	Date of Posting 12-27-62
B-Azone	·

Dutite. Prosent for Unst to Janet Are St. A. Janet President Jechnick Henrycker Location of property S. J. all Nichards Mand 113 ft. buch of Sunskie avery ite Su Hat went we see that Judish Rond grante Cent

asemil Posted by July Separate Date of return 12-28-62

