

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to an "M-L" Zone,
W/S Western Maryland Railroad and
S/S of Howard Avenue
Third District
Hyatt H. Young, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5745

OPINION

This is a petition of Hyatt H. Young, et al, to reclassify a tract of approximately 6.19 acres bordering on the right-of-way of the Western Maryland Railway and extending for approximately 602 feet in a westerly direction along the south side of Howard Avenue, in the Third District of Baltimore County.

The adjoining land to the south is zoned "R-6" and is largely undeveloped. Approximately one block to the south is a small tract, adjacent to the railroad tracks, which is zoned "M-L". To the east, across the railroad tracks, is an industrial park zoned "M-L". To the north the zoning is "R-6" and the adjacent land is used for bus storage and maintenance as a non-conforming use. The land to the west is zoned "R-6". Across from the northwest corner of the subject tract is a fairly recent residential development known as "Williamsburg", and some two blocks to the west of this development is Sudbrook Junior High School.

Mr. Andrew J. Young, III, testified for the petitioners and stated that the State Roads Commission had designated a portion of the subject tract for the right-of-way of the proposed Northwestern Expressway. It was testified that the Baltimore County Council had classified a portion of the subject tract as "M-L". Said portion lying from the railway right-of-way to the center line of the proposed Northwestern Expressway. As the alignment of the expressway appears to be uncertain, the petitioners contended that the boundary of the "M-L" was equally indefinite and that was one of the reasons for including the entire tract in the subject petition.

We believe that the petitioners' "M-L" boundary line is quite definite. The County Council specified at the time of the adoption of the new map for the Western Area District, Section 2-B, on November 15, 1962 that the dividing line between the "M-L" and "R-6" properties was the center line of the right-of-way of the State Roads Commission of Maryland (Northwest Expressway). Inasmuch as this right-of-way was tentative at the time of the adoption of this map, the only right-of-way line that the Council could have considered at that time was that which was shown as proposed on the State Roads Commission plot that existed at that date.

In regard to change, no evidence was given as to any change in the character of the neighborhood to date. The anticipated changes due to the proposed expressway were mentioned but, of course, this Board will not take any anticipated changes into consideration as valid reasons for reclassifications. Protestants testimony established that land had been developed only in accordance with the zoning that had been established by the map.

As already discussed, the petitioners' claim of error was partly due to the indefinite status of their "M-L" property and, further, that the land was not suitable for residential development. A stream running through the property containing apparent raw sewage and the topography of the land were the main support for the latter contention.

Mr. David W. Dallas, Jr., Civil Engineer, testifying for the petitioners, thought "M-L" the best zoning for the property but admitted that such zoning would create truck traffic in the neighborhood and agreed that apartment construction would be quite adaptable to this property.

Residents of the Williamsburg development protested the proposed reclassification on the ground that it would adversely affect the value of their homes; that it would constitute an entering wedge for further reclassification in the neighborhood; and that the resultant truck traffic would constitute a hazard to children walking to three schools in the general area.

The Board is unanimous in its opinion that the County Council was correct in placing this property in its present classifications. Certainly all of the land adjacent to the Western Maryland Railroad tracks should be "M-L". This is in conformity with the land opposite the subject tract and east of the railroad. To have projected "M-L" zoning further to the west would result in a peninsula of "M-L" zoned land surrounded on three sides by "R-6" zoning and would have been an invasion of residential property. It would have created the possibility of a traffic hazard by the trucks that would have to use residential streets to reach the "M-L" property as well as create a possible loss in real estate value to the surrounding neighborhood. The presence of a small country-type stream on the property is hardly sufficient to make its use for residential development unreasonable. Testimony with regard to topography was very vague and inconclusive. If there is a topography condition that would render this property unusable in its present classifications, it was incumbent upon the petitioners to at least show the differences in elevation between this and the already developed "R-6" properties to the west.

It is the unanimous opinion of the Board that the petitioners failed to prove an error in original zoning or any change in the neighborhood since the adoption of the Western Area map on November 15, 1962 to warrant reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1964 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
OF BALTIMORE COUNTY

CHAIRMAN
Charles Lee

Charles Lee

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

LAW OFFICE
J. ELMER WEISHEIT, JR.
JEFFERSON BUILDING
TOWSON 4, MARYLAND
February 14, 1963



Mr. John G. Rose
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson 4, Maryland

RE: Petition for Reclassification
from an R-6 Zone to an M-L Zone,
6.19 acres, Subdivision of Melline,
near Pikeville, 3rd E.D. of Balto. Co.
Case No. 5745

Dear Mr. Rose:

Please note an Appeal to the County Board of Appeals from your Order passed in the above captioned matter on January 24, 1963.

Two (2) extra copies of this Notice are forwarded to you herewith because there are no protestants known to the Applicant to whom this Notice of Appeal should be forwarded and, if such are known to you, it is requested that you either advise me, as Counsel for the Applicant, or forward copies of the Notice to such persons directly from your office.

Your courtesy in this matter is appreciated.

Very truly yours,

Elmer Weisheit, Jr.
Elmer Weisheit, Jr.

JW/M

Orig / 2 cc to Addressee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: JANUARY 11, 1963

FROM: Mr. George E. Gavzeles, Deputy Director

SUBJECT: #5745, R-6 to M-L, Westside of Western Maryland Railroad and Southside of Howard Avenue. Being property of Hyatt Young.

3rd District

HEARING: Monday, January 21, 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 M-L. It has the following advisory comment to make with respect to pertinent planning factors:

1. The subject property lies in the path of the Northwest Expressway. The Expressway has been on the Master Plan for this area since it was adopted on January 15, 1957. The alignment for this Expressway has been approved by the State Roads Commission in this area.

Mr. James Dyer
Office of Planning and Zoning
County Office Building
Towson 4, Maryland

RE: Proposed Reasoning
Elizabeth Rhodes Young Property
West side of Western Maryland Railroad
at Bedford Road and Rocklyn Avenue

Dear Mr. Dyer:

This office reviewed the subject plan and indicated thereon in red the tentatively proposed right of way for the proposed Northwestern Expressway.

Construction of this section is tentatively proposed for after 1965.

Thank you for your cooperation.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

Charles Lee
BY: John L. Durr
Asst. Development Engineer

Encl.
JLD/als
cc: Mr. David W. Dallas, Jr.

*Please send to
Board of Appeals*

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ELIZABETH H. YOUNG and HYATT H. YOUNG, Committee

1, or we, for Elizabeth H. Young, 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,

herby 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 Zone to an M-L Zone; for the following reason:

For the erection of Administrative Offices, Sales Offices and Warehouse Buildings.

(See attached Description and Plat)

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 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.

Elizabeth H. Young
Elizabeth H. Young
Hyatt H. Young, Committee
Elizabeth H. Young

Contract purchaser
Address
Pikeville 8, Maryland

Petitioner's Attorney
Elmer Weisheit, Jr.
J. Elmer Weisheit, Jr.
101 Jefferson Building - 4
Valley 3-1011

Address
Valley 3-1011

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

of January, 1963, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through

out 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 21st day of January, 1963, at 11:00 o'clock

A.E.M.

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 24th day of January, 1963, that the herein described property or area should be and

the same is hereby reclassified, from R-6 Zone to M-L Zone; and the same is hereby

denied, 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:

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 24th day of January, 1963, 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-6 Zone; and the same is hereby DENIED.

and the same is hereby DENIED.

Elmer Weisheit, Jr.
Zoning Commissioner of Baltimore County

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: Nov. 14, 1963
Posted for: Reclassification from R-1 to M-1 zone
Petitioner: Hyatt H. Young, et al
Location of property: W. 1/2 of Lot 1, R.R. 4, S. 1/2 of Howard Ave.
Location of Sign: So. end of Lockyer Ave. on S. 1/2 of Bedford Rd.
Remarks: J. H. Besser
Posted by: J. H. Besser Date of return: Nov. 14, 1963

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 12-31-62
Posted for: Annulment of zoning map
Petitioner: Hyatt H. Young, et al
Location of property: W. 1/2 of Lot 1, R.R. 4, S. 1/2 of Howard Ave.
Location of Sign: So. end of Lockyer Ave. on S. 1/2 of Bedford Rd.
Remarks: J. H. Besser
Posted by: J. H. Besser Date of return: 1-2-63

TELEPHONE VALLEY 3-3000

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

TO: Mr. Hyatt Young
50 Construction Credit Corp.
2 E. Lexington St.
Baltimore 2, Md.

BILLED BY: Zoning Department of Baltimore County

INVOICE No. 15486 DATE 12/29/63

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Advertising and posting of your property 57.5	\$63.00	13.00
				3.00

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.

TELEPHONE VALLEY 3-3000

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

TO: J. Elmer Weisheit, Jr., Esq.
101 Jefferson Building
Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

INVOICE No. 14138 DATE 9/14/62

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Petition for Reclassification for Hyatt H. Young, et al	\$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.

TELEPHONE VALLEY 3-3000

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

TO: J. Elmer Weisheit, Jr., Esq.
Jefferson Building
Towson 4, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.

INVOICE No. 16465 DATE 2/21/63

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Cost of appeal - petition of Hyatt H. Young No. 57.5	\$67.00	70.00

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.

David W. Dallas, Jr.
Civil Engineer

8713 OLD HARFORD ROAD
NORTHFIELD 5-7422
BALTIMORE 14, MD.

ZONING DESCRIPTION

#5745
WESTERN AREA MAP
SEC. 2-B
ML
11/1/63

BEGINNING for the same at the point formed by the intersection of the westernmost side of the Western Maryland Railroad (66 feet wide) with the southernmost side of Maple Avenue (60 feet wide) as shown on the plat of Molline as filed among the Land Records of Baltimore County in Plat Book JWS No. 1 folio 103, thence running with and binding on the southernmost side of said Maple Avenue the two following courses and distances south 77 degrees 55 minutes west 300.05 feet and north 80 degrees 52 minutes west 370.00 feet to the westernmost side of a 15-foot wide alley as shown on said plat, thence crossing said Maple Avenue and binding on the westernmost side of said alley north 13 degrees 53 minutes west 431.90 feet to the northernmost side of Howard Avenue as shown on said plat, thence binding on the northernmost side of said avenue and on the northernmost side of the Road to Howardville the two following courses and distances as shown on said plat south 82 degrees 30 minutes east 602.25 feet and north 84 degrees 15 minutes east 110.06 feet to the westernmost side of said railroad, thence binding on the westernmost side of said railroad the two following courses and distances south 5 degrees 17 minutes 30 seconds east 117.31 feet and southerly by a curve to the east with a radius of 1179.28 feet for a distance of 235.53 feet to the place of beginning, CONTAINING 6.19 acres of land more or less.

August 22, 1962

THE BALTIMORE COUNTEAN
THE COMMUNITY NEWS
Reisterstown, Md.
THE HERALD - ARGUS
Catonville, Md.

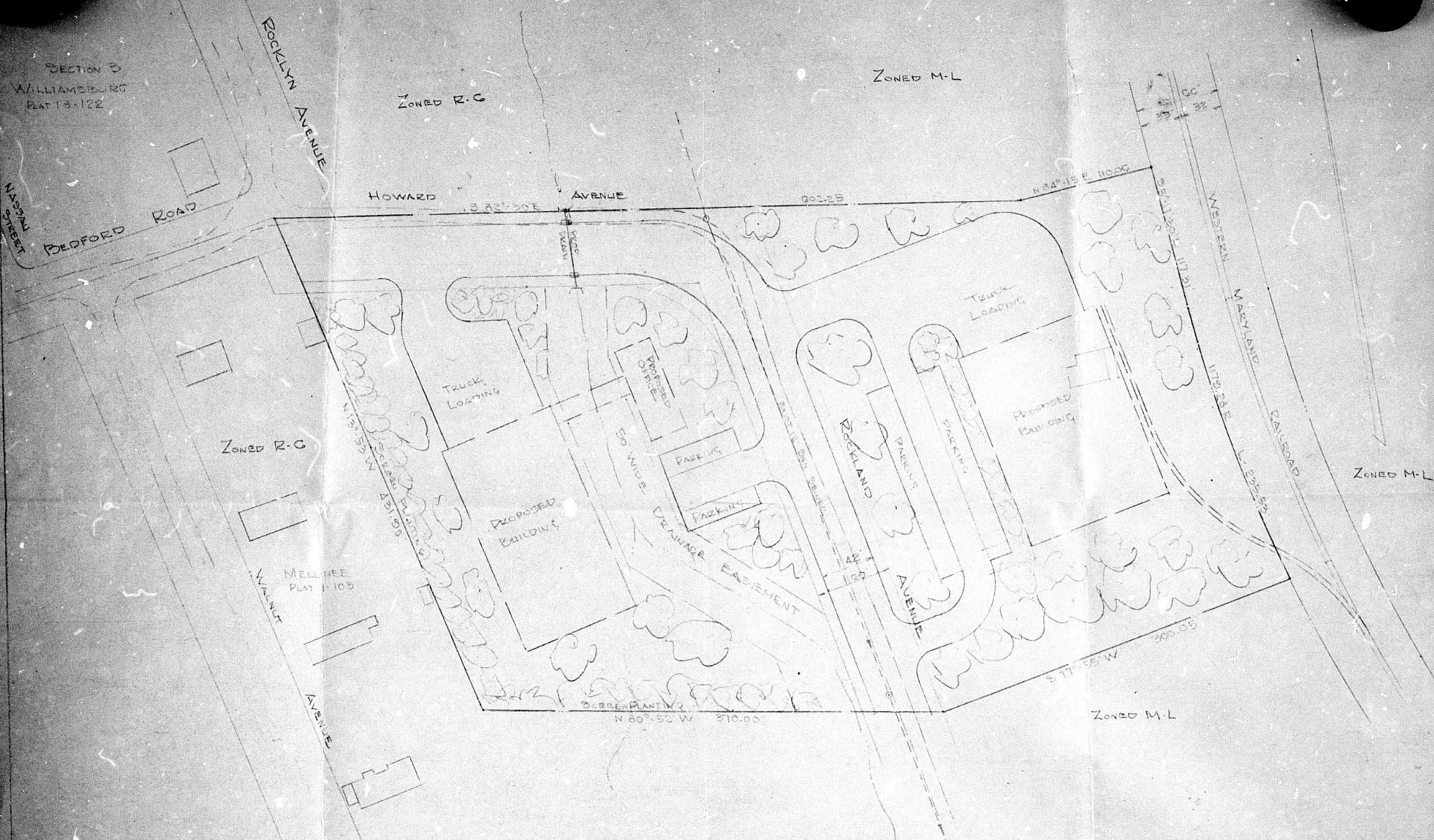
No. 1 Newburg Avenue
CATONVILLE, MD.

January 7, 1963

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTEAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week successive weeks before the 7th day of January, 1963, that is to say the same was inserted in the issues of January 4, 1963.

THE BALTIMORE COUNTEAN
By Paul J. Meyer
Editor and Manager

SECTION 3
WILLIAMSBURG
PLAT 13-122



ZONING DATA.
EXISTING ZONING M-L & R-C
PROPOSED ZONING M-L
AREA TO BE REZONED 6.103 ACRES
PART OF BLOCK G & H
PLAT OF MELLINEE
PLAT BOOK 1-103
ALL UTILITIES AVAILABLE
ADDITIONAL PARKING TO BE PROVIDED
IS REQUIRED.



ZONING PLAT
PROPERTY OF
ELIZABETH RHODES YOUNG.
ELIZABETH W. YOUNG, HYATT YOUNG, COMMITTEE FOR
ELIZABETH RHODES YOUNG
3RD ELECTION DISTRICT
SCALE 1" = 50'
BALTO COUNTY, MD
AUGUST 22, 1962
DAVID W. DALLAS, JR.
CIVIL ENGINEER
8713 OLD HARFORD RD. BALTO., 14, MD.
NO 57422