

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to an "R-A" Zone,
E/S Windsor Mill Road, 270' S.E. of
Meadowview Drive
Second District
Ross Z. Pierpont, et al
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5766

OPINION

This is a petition for reclassification from an "R-6" Zone to an "R-A" Zone, 22.47 acres, more or less, located on the east side of Windsor Mill Road, 270 feet southeast of Meadowview Drive in the Second District of Baltimore County.

Testimony was to the effect that this property had not been given proper consideration by the County Council prior to the adoption of the Second District Land use map by the County Council on November 15, 1962 due to unusual circumstances.

The file containing pertinent data to this particular property was apparently mislaid. This fact is further substantiated by a review of the minutes of meetings held by the Baltimore County Planning Board prior to its making recommendations for the Second District map. These minutes bear out the testimony of the petitioner that his property was never given consideration by the Planning Board. To further complicate matters, at the public hearing held by the County Council prior to the adoption of the map, the petitioner's lawyer was called away from the hearing due to an emergency in his family and had to leave the file on the subject property with another attorney unfamiliar with any of the facts regarding the property.

The Board is well aware of the necessity of upholding the land use maps as adopted by the County Council and that only in cases where error beyond a reasonable doubt can be proven should these maps be altered. In this particular case there seems to be a number of circumstances which, had the County Council been aware of, would have, in the opinion of the Board, altered their thinking with regard to the subject property.

The proposed construction of Clark Boulevard as a major east-west thoroughfare from Gwynn Oak Avenue to the Social Security Building apparently was not taken into consideration in the zoning of this particular property. This road, which at the present time is just about completed, has had a great impact on the traffic patterns of the surrounding area. The fact that a major interchange with the Baltimore County Beltway is to be constructed at the intersection of the Beltway and Windsor Mill Road will further change the traffic pattern in the immediate area. Both Clark Avenue and the Beltway interchange are within short distances of the subject tract. The widening of

Windsor Mill Road from the city line to the Beltway interchange and the establishment of a pavement on one or both sides of Windsor Mill Road changes completely the impact of traffic in the immediate area.

The testimony of Reverend Clarence C. Knapp, Pastor of St. Luke's Methodist Church carried much weight with the decision of the Board. His congregation, now located on Gwynn Oak Avenue in the heart of Woodlawn, has purchased a new church site fronting on Windsor Mill Road, whose eastern and northern boundary lines are contiguous to the subject property. Reverend Knapp testified that his congregation was in the process of spending some \$400,000 to develop the site for a church and other congregational uses, and that he felt the development of the subject property into "R-A" uses would have a stabilizing effect on the entire neighborhood, and would actually enhance the value of the church property.

His testimony was further substantiated by Mr. John W. Hammond, representing the Woodlawn Improvement Association, who advised the Board that this particular piece of property was one in which his association had always been in favor of for apartment house uses, and that they felt that the development of the property would enhance the value of the homes in the surrounding area.

Testimony of Mr. Bernard Willemain, an expert in the field of planning and zoning, was to the effect that after the Planning Board had completed its hearings on the Second District map in July of 1961, he was contacted by Dr. Pierpont, petitioner in this matter, to look into the situation. He was advised by the Planning Board that they had made no recommendations and he checked the Planning Board's minutes and found nothing in them with regard to the subject property. It was his opinion that without the detailed information with regard to Clark Avenue, the Beltway interchange, the widening of Windsor Mill Road and the erection of the new church, that the County Council lacked the pertinent knowledge necessary to properly consider the zoning of the subject property. It was his contention that this piece of property was observed by the Council as just another tract of land in the sixty-four square mile area, and without the pertinent information mentioned above and lacking a recommendation from the Planning Board, that the Council was in error in not zoning the subject property "R-A".

It is the unanimous opinion of the Board of Appeals that an error was made by the County Council in the zoning of this 22.47 acres in "R-6" and that substantial evidence has been presented to the Board which warrants its reclassification to "R-A".

Description of Property of Ross Z. Pierpont to be Rezoned from R-6 to R-A
December 13, 1961
Beginning for the same at a point on the Northeast side of Windsor Mill Road, said point of beginning being distant 0.5 miles ± measured Northwesterly along said Northeast side of Windsor Mill Road from Gwynn Oak Avenue said point of beginning being the end of the first or North 52° 23' West 481.00 foot line of the land conveyed by The Board of Missions and Church Extension Of The Baltimore Annual Conference Of The Methodist Church Incorporated to St. Luke's Methodist Church of Woodlawn, by deed dated January 26, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. 3806, folio 263, said point of beginning being also the end of the first or South 52° 23' East 50.10 foot line of the land conveyed by Albert R. Zimmerman, et al to Ross Z. Pierpont by deed dated October 1, 1960, and recorded among the Land Records of Baltimore County in Liber W.J.R. 3767, folio 952, and running thence binding reversely on the first, eighth and seventh lines of the above last mentioned deed the three following courses and distances viz: first North 52° 23' West 50.10 feet, second North 41° 00' East 273.90 feet, and third North 52° 23' West 165.00 feet, thence binding reversely on the first line of the land conveyed by William E. Zimmerman, to J. Frederick Loos et al by deed dated May 21, 1915, and recorded among the Land Records of Baltimore County in Liber W.P.C. 448, folio 96, South 41° 00' West 273.9 feet to intersect the said Northeast side of Windsor Mill Road, thence binding on said Northeast side of Windsor Mill Road North 52° 23' West 192.00 feet to the end of the first line of the land conveyed by Ethel G. Pierpont to Philip R. Pierpont et al by deed dated October 12, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. 3923, folio 271, thence binding on the second and third lines of the above last mentioned deed the

Description of Property of Ross Z. Pierpont to be Rezoned from R-6 to R-A
December 13, 1961
Sheet 2
following courses and distances viz: first North 41° 00' East 77.00 feet and second North 52° 23' West 136.7 feet to intersect the third line of the land conveyed by Edith Tyson to Dorothea Kreiser, by deed dated October 19, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. 3909, folio 299, thence binding reversely on part of the third line of the above last mentioned deed North 41° 00' East 60.00 feet to the end of the fourth line of the land conveyed by Ethel Z. Pierpont, to Philip R. Pierpont et al by deed dated August 14, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2340, folio 421, thence binding reversely on the fourth third, and second lines of the above last mentioned deed the three following courses and distances viz: first South 52° 23' East 136.7 feet, second North 41° 00' East 100.00 feet, and third North 52° 23' East 136.7 feet to intersect said third line of said deed from Edith Tyson to Dorothea Kreiser, thence binding on part of the third line of the above last mentioned deed North 41° 00' East 61.50 feet to the beginning of the ninth line of the land conveyed by Philip F. Zimmerman to Ethel G. Pierpont by deed dated July 14, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2742, folio 246, thence binding on the ninth and part of the tenth line of the above last mentioned deed the two following courses and distances viz: first North 52° 23' West 19.00 feet and second North 41° 00' East 742.5 feet to the end of the fourth line of the land conveyed by Philip F. Zimmerman to Woodlawn Cemetery Company by deed dated March 28, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2669, folio 313, thence binding reversely on the fourth line of the above last mentioned deed and binding reversely for part of the distance on the fifth line of the above herein mentioned deed from Albert R. Zimmerman, et al to Ross Z. Pierpont, South 14° 51' 30" East 1310.2 feet, thence binding reversely on the fourth, third, and second lines of the above last mentioned deed the three following courses

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, the undersigned, legal owner/s 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-A zone; for the following reasons:
Error in original zoning.

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 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.

Contract purchaser
Address: 111 W. Monument St.
City and State: Baltimore, Md.
The undersigned hereby certifies that I am the legal owner of the property described in the petition and that I am the legal owner of the property described in the petition and that I am the legal owner of the property described in the petition.
Petitioner's Attorney
Address: 111 W. Monument St.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th 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 had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 18th day of January, 1962, at 2:00 o'clock P.M.



Description of Property of Ross Z. Pierpont to be Rezoned from R-6 to R-A
December 13, 1961
Sheet 3
and distances viz: first South 44° 13' West 346.12 feet, second North 52° 23' West 506.00 feet and third South 41° 00' West 450.00 feet to the place of beginning.
Containing 22.70 acres of land more or less.

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

TO: A. Owen Hammons, Jr., Esq.
486 Jefferson Building
Towson 4, Maryland

RECEIVED BY: County Board of Appeals (Zoning)

REPORT TO ACCOUNT NO. 01.712

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
	Cost of Certified Documents for - No. 5766 Ross Z. Pierpont, et al E/S Windsor Mill Road, 270' SE of Meadowview Drive 2nd District	\$10.00
	9-1765 5652 * * * TEL -	10.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWNSHIP 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Distict: R-6 Date of Posting: Jan 17, 1962

Posted for: Reclassification from an "R-6" Zone to an "R-A" Zone

Petitioner: Ross Z. Pierpont, et al

Location of property: R/S Windsor Mill Road, 270' S.E. of Meadowview Drive

Location of Signs: 50' x 12' at South East of Meadowview Dr.
12 E. of Windsor Mill Rd. signs taken

Remarks:

Posted by: [Signature] Date of return: Jan 21, 1962

FRANCIS J. CROWLEY, JR. & DOROTHEA CROWLEY, his wife, et al.
vs.
NATHAN H. KAUFMAN, JR., G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR., constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ORDER TO PETITION FOR APPEAL

Now comes Ross E. Pierpont and Ethel Z. Pierpont, Intervenor Appellants, by their attorney, William S. Baldwin, and in answer to the Petition for Appeal heretofore filed in this matter, say:

1. That the decision of the Board of Appeals was amply substantiated by the evidence before it.
 2. That the decision of the Board of Appeals was not erroneous.
 3. That the decision of the Board of Appeals was based upon correct legal premises.
 4. That the decision of the Board of Appeals was not in any way arbitrary, capricious, discriminatory or illegal.
- WHEREFORE, having fully answered said Petition for Appeal, your Intervenor pray that said Petition be dismissed.
- AND, AS IN DUTY BOUND, etc.

William S. Baldwin
24 W. Pennsylvania Avenue
Towson 4, Maryland
Valley 3-6560
Attorney for Intervenor Appellants

I HEREBY CERTIFY, that on this 2nd day of July 1964, copies of the foregoing Answer to Petition for Appeal was mailed to the Board of Appeals of Baltimore County, County Office Building, Towson 4, Maryland, and to Owen Hennegan, Jr., Attorney for the Appellants, 406 Jefferson Building, Towson 3, Maryland.

William S. Baldwin

RE: PETITION FOR RECLASSIFICATION
FROM "B-6" ZONE TO "B-4" ZONE -
E. S. Winsor Hill Road 270'
S. E. of Meadowview Drive,
2nd District - Ross E. Pierpont
and Ethel Z. Pierpont, Petitioners

DEPOSE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5766

The petitioner is seeking a reclassification from "B-6" Zone to an "B-4" Zone. This request was submitted to the Planning Board and to the County Council prior to the adoption of the present Western Area Planning Map.

Testimony was given at the hearing that the original request to the Office of Planning and Zoning was not given what the petitioner considered proper consideration. However, the matter was submitted to the County Council in outline that the area the petitioner desired to be rezoned "B-4" was known to the County Council so that the County Council had an opportunity to inspect this property. This particular request was denied by the County Council. The only question before the Zoning Commissioner is, did the County Council make an error in zoning the subject property "B-6".

Examination of plans and the zoning map and personal inspection of the property to confirm the plat and zoning map, indicates that the subject property could very well become a part of the existing "B-6" Zone development wherein three streets dead-end into the subject property and at least two of them could be continued so that this property could be used for "B-6" development. Also there is a great deal of land in the rear of this tract, the former Brown tract and the development to the west of the subject property.

Mention was made of the fact that the County Council did not zone enough land in this area for apartment zoning. This tract if rezoned to the Deerfield apartment zoning tract by the extension of Ames Road would only be about 1700 feet apart. The County Council gave a great amount of time to the consideration of the Deerfield tract and it is inconceivable that they did not consider granting this area for apartment zoning at the same time.

For the above reasons the reclassification should not be had.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of July, 1963 by the County Board of Appeals, ORDERED 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 BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

Charles H. Steinbock, Jr.
& Mitchell Austin

FRANCIS J. CROWLEY and DOROTHEA CROWLEY, his wife, et al.

Appellants

vs.

NATHAN H. KAUFMAN, JR., G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR., constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket 7

Folio: 285

Case: 2820

ORDER OF DISMISSAL

MR. CLERK:

Please dismiss the Appeal previously filed on behalf of the

Protestants herein.

A. Owen Hennegan, Jr.
406 Jefferson Building
Towson, Maryland - 21204
Valley 5-7500

Attorney for Protestants

John G. Rose
Zoning Commissioner
Baltimore County, Maryland
County Office Building
Towson 4, Maryland

Re: Petition of Ross E. Pierpont and Ethel Z. Pierpont, No. 5766

Dear Mr. Rose:

Please enter an appeal to the Baltimore County Board of Appeals from your decision dated February 1, 1963 denying the above captioned application for reclassification.

Very truly yours,

William S. Baldwin
William S. Baldwin
Attorney for Petitioner

WSB:dw
Encl. [Check for Appeal costs]

It is this 1st day of February, 1963, by the Zoning Commissioner of Baltimore County that the above reclassification be and the same is hereby continued as and to remain an "B-6" Zone.

Zoning Commissioner of Baltimore County

February 1, 1963

William S. Baldwin, Esq.,
24 West Pennsylvania Avenue,
Towson 4, Maryland

Re: Petition for Reclassification
From "B-6" Zone to "B-4" Zone -
E. S. Winsor Hill Road 270'
S. E. of Meadowview Drive, 2nd
District - Ross E. Pierpont and
Ethel Z. Pierpont, Petitioners
No. 5766

Dear Mr. Baldwin:

I have today passed my Order denying the reclassification in the above matter for reasons stated in the attached copy of said Order.

Very truly yours

Zoning Commissioner

Rec'd 2-20-64
12:15 am

LOCATION: East side of Windsor Mill Road 750 feet Southeast of intersection of
DATE & TIME: WEDNESDAY, JANUARY 30, 1963 at 2:00 P.M.
PUBLIC HEARING: Room 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition of land in the second district of land in the second district of Baltimore County.

THE BALTIMORE COUNTY OFFICE OF FINANCE

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Catonsville, Md.

THE COMMUNITY NEWS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

January 14, 1963.

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, ~~successive weeks~~ before the 14th day of January, 1963, that is to say the same was inserted in the issues of

January 11, 1963.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager

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

No. 16429
DATE 2/16/63

To: William S. Baldwin, Esq.,
24 West 7th Street, Suite 400,
Towson 4, Md.

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

DEPOSIT TO ACCOUNT NO.	01/22	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
Cost of appeal in matter of petition of Rose Pierpont		\$70.00
No. 5766		
		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.

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

No. 15472
DATE 2/25/63

To: William S. Baldwin, Esq.,
24 W. Penna. Ave.,
Towson 4, Md.

Planning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	0122	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
Advertising and posting of property for Rose Pierpont		76.00
		76.00

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: JANUARY 30, 1963

FROM: Mr. George E. Gavrilis, Deputy Director

SUBJECT: 5766, P-5 to R-1, East side of Windsor Mill Road 750 feet Southeast of Meadowview Drive, Being property of Rose Pierpont and Ethel Pierpont.

2nd District

REMARKS: Wednesday, January 30, 1963 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification and has the following advisory comments to make with respect to pertinent planning factors:

1. This request for R-1 was submitted to the County Council last Fall and was turned down by them when adopting the Western Planning Area Map.
2. We argued against this proposal then and for the same reasons we still are of a negative opinion on this request.
3. It seems advisable to uphold the Western Planning Area Map in this case.

ORG:
LRS:lms

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

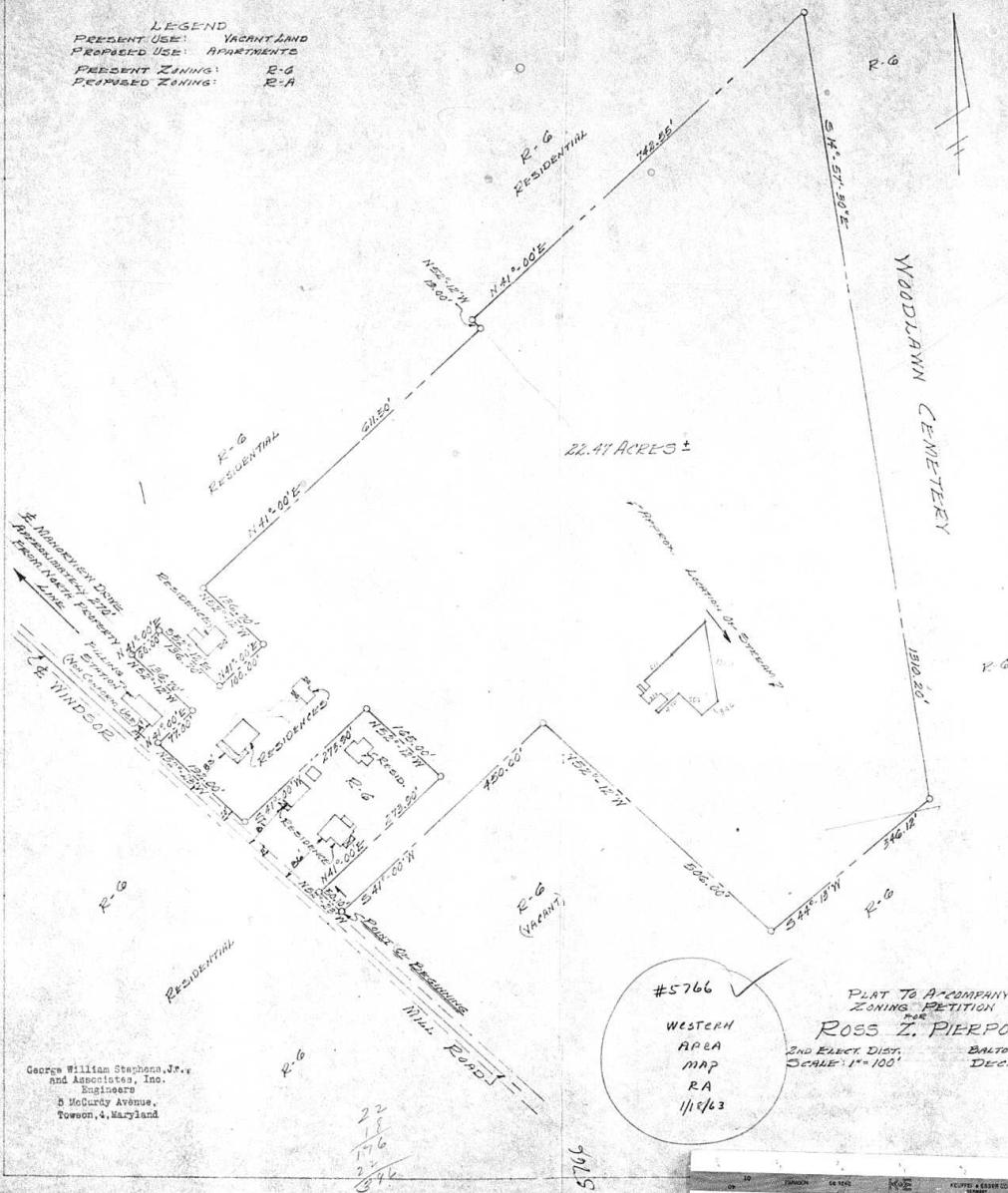
District: 2nd
Date of Posting: 1-30-63
Posted for: 5766
Petitioner: Rose Pierpont
Location of property: 5766, P-5 to R-1, East side of Windsor Mill Road 750 feet Southeast of Meadowview Drive, Being property of Rose Pierpont and Ethel Pierpont.
Location of Signs: 5766, P-5 to R-1, East side of Windsor Mill Road 750 feet Southeast of Meadowview Drive, Being property of Rose Pierpont and Ethel Pierpont.
Remarks: 5766
Posted by: George E. Gavrilis
Signature: _____
Date of return: 1-30-63

LEGEND
PRESENT USE: VACANT LAND
PROPOSED USE: APARTMENTS
PRESENT ZONING: R-6
PROPOSED ZONING: R-A

PROPOSED USE: APARTMENTS

PRESIDENT ZONING: R-6

PROPOSED ZONING: R-A



George William Stephens, Jr.,
and Associates, Inc.
Engineers
5 McCurdy Avenue,
Towson, 4, Maryland

$$\begin{array}{r} 22 \\ 18 \\ \hline 176 \\ 22 \\ \hline 344 \end{array}$$

9725

#5766

WESTERN
AREA
MAP
RA
1/18/63

PLAT TO A COMPANY
ZONING PETITION
FOR
ROSS I. PIERPONT
2ND ELECT. DIST. BALTO. COUNTY MD.
SCALE: 1"=100' DEC. , 1961