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GOUCHER COLLEGE

+1 Mar. 8. 1967

NO 5773-8X

SW/S Goucher Blvd. & W/S of Sodler Road - 9th District

Reclassification from R-6 to R-A Special Exception for Office Building

Order of Zoning Commissioner denying March 4, 1963

Order of Appeal to Board of Appeals March 6.

Order of Board denying reclassification Ion. 9, 1964

Order for Appeal filed in Circuit Court Feb. 3, Order of Dismissal filed in Circuit Court

DENIED

RE: PETITION FOR RECLASSIFICATION DEECOR from an "R-6" Zone to an "R-A" Zone, SPECIAL EXCEPTION for Elevator COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY 9th District Goucher College, Petitioner No. 5773-PX

This is a petition for reclassification from an "R-6" Zone to an "R-A" Zone and a special exception for an elevator office building on the southwest side of Goucher Boulevard, 195 feet northwesterly from the corner formed by the intersection of the southwest side of Goucher Boulevard with the westernmost side of Sadler Road in the Ninth District of Baltimore County. The area is approximately 1.3 acres and is part of 421 acres purchased by Goucher College, originally extending from Dulaney Valley Road to the Gontrum Farm, and from Hampton to Fairmount Avenues.

The Board cannot find any testimony presented by the petitioner that would indicate that the County Commissioners were in error in the adoption of the Ninth District land use map on November 14, 1955 by placing this parcel of land in the "R-6" classification. Actually there have been no changes in the map in the area of the subject property, and the only construction that has taken place in the existing zone is in conformity with the zoning adopted on the land use map.

Even if the petitioner was able to show error in the original map, the traffic conditions that would be caused by such a reclassification would be, in itself, sufficient reason to deny the reclassitication. Considering a recent decision of the Cour of Appeals in Bonhage v. Crise, the Court of Appeals had this to say:

"But the duty of the Board, to make certain that adequat access is provided, is not satisfied by a vague showing of permissive use or indefinite future expectation."

Mr. Walter J. Addison, former Baltimore County Traffic Engineer nov employed by the State Roads Commission of Maryland, testifying on behalf of the petitioner agreed that the ingress and egress from the subject property to and from Fairmount Avenue was not desirable as shown on the petitioner's plan and suggested that revisions be made to accommodate for better ingress and egress.

Dr. Walter Worthington Ewell, an expert in the field of traffic and safety engineering, testifying on behalf of the protestants, strongly agreed with Mr. Addison's comments with regard to the Fairmount Avenue entrance and went so far as to point out that, except in the case of a compact car, an automobile leaving the subject property on Fairmount Avenue would be forced to cross two lanes of traffic and in making the turn into the third lane of traffic would just miss the curb of the medium strip in Fairmount Avenue.

COUCHER COLLEGE, Plnintiff.

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SW/S of Goud

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. IN THE CIRCUIT COUNT . POR PATETMONE COURTE AT LAN

wagman H. KAUFPAN, JR., et al., constituting the County Board of Appeals of Baltimore County. Befordant 7/352/2953

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ORDER OF DISHESSAL

Mr. Clerk:

Please disaise the above entitled case.

W. Lee Thomas Attorney for Plaintiff

Plaintiff,

way w watersaw. JR., et. al.,

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AT LAW

Please note an Appeal on behalf of Goucher College, Plaintiff in the above entitled case, from the County Board of Appeals of Baltimore County to the Circuit Court for Baltimore County, in the matter of a Petition for Reclassification from an "R-6" Zone to a "R-A" Zone and a Special Exception for an elevator office building on the southwest side of Goucher Boulevard, 195 feet morthwesterly from the corner formed by the intersection of the southwest side of Goucher Boulevard with the westernmost side of Sadler Road, in the Ninth Election District of Baltimore County, which parcel co sists of 1,294 acres of land, more or less, and is owned by Plain-

This Appeal is from the decision of the County Board of Appeals of Baltimore County on Petition No. 5773-RE and the Order passed pursuant to such decision on January 9, 1964, by virtue of which the requested Reclassification and Special Exception were

This Appeal is filed pursuant to the provisions of Maryland Rules B2 and B4.

Attorney for Plaintiff

I HERBEY CERTIFY that a copy of the foregoing Order for App was mailed this 3rd day of Pebruary, 1964, to W. Lee Harrison, Esq. ola Building, Towson, Maryland 21204; to John T. Condy, Esq., 10 South Street, Bultimore, Maryland 21202; Attorneys for Protestants; and to the County Board of Appeals, County Office Building, Tousion, Maryland, 21204.

> Remneth C. Proctor Compbell Building Towson, Maryland 21204 Valley 3-1800 Attorney for Plaintiff

DOLLENBERG BROTHERS Registered Professional Engineers & Land Su 709 WASHINGTON AVENUE AT YORK ROAD

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TOWSON 4, MD.

September 18, 1962

Zoning Description

All that piece or parcel of land situate, lying and being in the Minth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the southwest side of Gouche Boulevard, Beginning for the same on the southwest side of Gouche Boulevard, 120 feet wide, at the distance of 125 feet northwesterly from the corner formed by the intersection of the side of Sedler Road, 50 feet to 10 feet with the southwest wide of Gouler Boulevard, North 70 degrees 05 minutes 11, seconds West 50.75 feet, thence by right for the side of Sedler Road, 120 feet wide, with the southwest side Avenue, 100 feet wide, the feet wide, with the same side Avenue, 100 feet wide the second west 139.61 feet of 10 feet and South 16 degrees 07 minutes 129, seconds west 139.61 feet of 10 feet and South 16 degrees 130 minutes 10 seconds 120 feet with 100 feet wide of 100 feet wide 100 fee

Containing 1.294 Acres of land more or less.



Dr. Ewell further pointed out that he did not think that the ingress and egress as provided for on Goucher Boulevard was satisfactory. While he readily admitted that the capacity of Fairmount Avenue and Goucher Boulevard could handle all of the traffic that the subject property would produce, it was his opinion that the ingress and egress provided both on Fairmount Avenue and Goucher Boulevard would cause an undue traffic hazard and would certainly not meet the standards for desired safety. He also pointed out that the use of Epsom Road and Sadler Road by any increars in traffic from the subject property would not be desirable. Sadler Road was built as a residential road and while its capacity would not be overtaxed by the subject property being reclassified, it would certainly increase the hazard to the children in the residential area.

The Board is of the opinion that the subject property can be properly developed in its present "R-6" classification allowing for no ingress and egress from Fairmount Avenue, and ingress and egress for only one home on Goucher Boulevard.

It is, therefore, the unanimous opinion of the Board of Appeals that the petition for reclassification from an "R-6" Zone to an "R-A" Zone be denied. question of a special exception, therefore, becames moot.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this day of January, 1964 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.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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

BE: PETITION FOR RECLASSIFICA from "R-6" Zone to "R-A" Zone and Special Exception for Elevator Office Building -Goucher Boulevard, Petitioner BEFORE ZONTNO COPORISSIONER CF BAINTHORE COUNTY No. 5773-RX

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Testinony did not indicate any actual change other than uction in the existing zone, nor was there any indication that mny Commissioners were actually in error in zoning the property

This property is an integral part of the existing "R-6" Zone and the "R-A" Zone would not act as a transition zone, but to the contrary would affect the existing "R-6" Zone aversely.

For the above reasons the reclassification and special exception should be denied.

Cornissioner of Baltisore Usuary Ornamo that the above reclassifica-tion be and the same is hearby contained that the above reclassifica-tion be and the same is hearby contained to the above reclassifica-reporty or area be and the above contained as and to remain an "5-6" Zone; and the same is also dended.

PETITION FOR ZONING RE-CLASSIFICATION 5773-18 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we. Goucher College legal owner of the property situate in Baltimore t, or we.

County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (i) 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: for the following reasons

- (1) Because of changes in the neighborhood.
- (2) Because of error in the comprehensive zoning map.

See ittached 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 Elevator Office Building, including business use (Church Bookstore) for the convenience of its tenants and as nditioned in Section 402.4 of the Baltimore County Zoning Regulations. 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 Balti

Baptist Squares on Maryland, Inc. Gouches College

By: College Standard purchaser

By: College Control purchaser Address Powers 4 and Incite & Harrison W Lee Harrism
Protestant's Attorney John Crotth

Address 202 Campbell Bldg. Towson 4, Maryland

Diffum Bldy -December, 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 through required by the Zoning Law of Dallimore County, in condensations of general released introduced and Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 103, County Office Bailding in Towson, Baltimore day of February 7 1963 at 1:00 o'clock County, on the 13th



Corrected Notice

Zoning Commissioner of Ballimore County.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNT

Towson, Maryland

#57/3-RX

Date of return: Jan. 24, 1963

5773.

THE JEFFERSONIAN,

Late of Posting Jan. 23, 1963 Posted for: "R-6" Zono to an "B-A" Zone and Special Exception. Petitioner: Goucher College Location of property: S.W. Side Goucher Blvd. & W. S. Sadler Road, etc. see plat Location of Signs: Both signs 140' N.E. of Fairmount Ave. on southeast side of Cut-Off Remarks

PETITION FOR ZONING RECLASSIFIC TION AND SPECIAL EXCEPTION. FIR DE-TRICT CERTIFICATE OF PUBLICATION February 1 49.63 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed County.

and Bergardow as
and Bergardow and Service an and published in Towson, Baltimore County, Md., once in each of 1 5100 successive weeks before the 13th Fabruary 19.63, the first publication appearing on the lot day of February 19 63

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Att: Mr. James Dyer

Hearing 5773-RX

SUBJECT

Date February 28, 1963 Gilbert M. Nelson EROM

> Goucher College Petition for re-zoning R-6 to R-A Special Exception for Elevator Office Building

Review of preliminary plans for the site development results in the following comments:

The Goucher Boulevard access is close to 1. The Goucher Boulevard access is close to the southbound rasp which connects Fairmount Avenue to the easthound lane of Goucher Boulevard. The existing gradent and curvature on this ramp are quite severe and the traffic using this ramp must yield right-of-way to easthound traffic already on Goucher Boulevard. As a result, the entrance to the development would create hazard's ownewhat greater than might normally be expected. On the other hand, sight distance from a parked position at the preposed driveway is quite good.

It would appear desirable to maximize the use of the entrance to sadler Road, possibly, even to consider making the Goucher Boulevard access one-way

Gilbert M. Nelson, Acting Chief Division of Traffic Engineering

MAR 4- 63 To the

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. John C. Rose, Zoning Commissioner Date February 1, 1963

SURJECT. #5573-MK. B-6 to Red and Openial Exception for Elevators Offices Building, ionizeding business use (Church Bookstor fee the convenience of its tennate and as conditioned in Bestion MCA, of the Buildings County Youing Beginting. Southwest side of County England Foundation of the County County State Confessoriety and the Openial County County State Confessoriety and the Openial County County

Wednesday, February 13, 1963 (1:00 P.N.)

The staff of the Office of Planning and Zoning has reviewed the subject petaltion for reclassification from R-6 to R-4 soming together with a special acception for Reventor Office including and a Church Bookstore. It has the following advicacy consents to make with neepect to pertinent planning factors:

- The Planning staff is in accord with the concept of spartness coning lows. Utilization of the subject spartness coning lows. Utilization of the subject constituent deries is in estimate sector with the policy suspers by the Planning staff and the Planning Sourd in recent Comprehencive Coning Maps.

TELEPHONE

VENABLE, BARTJER AND HOWARD ATTORNEYS AT LAW

JONING DEPARTMENT

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Baptist Convention of Karyland, which is applying for a re-moning of the Edward Convention of Karyland, which is applying for a re-moning of the Theorem Convention of Court Conference of Court Court

covereposent of recade or otherwise.

The trace of land purchased from the College by the Baptist Convention was, of course, entirely out off from the College campus by the opening of Gouden Boulevard and it has been generally known for some years that the College was willing to sell build be a properly the convention of the properly the convention of the concerning building the period of time we received was recovered and the concerning was to the concerning the convention of which we rejected completely because was convention of which we rejected completely because we received definite offers to purchase the land for use as a gasoline filling of the character of the first building, a rectaurant or enting place of the character of the college more money than the sale to the Eaptist Convention, but we felt that the use to which the property would the point of view of theorem the mould be far rore desirable from the point of view of theorem of Campus Hills than any of the other uses sentioned above.

Very truly yours,

trure took

Merion Eur H. Vernon Enev

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BALTMORE COUNTY, MAR AND OFFICE OF FINANCE

Royston & Mueller

No. 16408 DATE 2/7/63

COURT HOUSE
TOWSON 4, MARYLAND

QUANTITY	DUNT NO. DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST COST
-	Advertising and posting of property for Goucher Salings College	h1.19
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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTINDRE COUNTY, MARY AND OFFICE OF FINANCE

No. 20812 DATE 2/7/64

COURT HOUSE TOWSON 4, MARYLAND

BILLED

DEPOSIT TO ACC	OUNT NO. 01.712	TION AND	actual with	OUR	BEMITTANCE		10T\$ 6.00"NT
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IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND N OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIM RE COUNTY, MARY ND OFFICE OF FINANCE

No. 15367 DATE /7/62

Orision of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

Zoning Depart

DEPOSIT TO ACCOUNT NO. 01622						
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PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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BALTIN ORE COUNTY, MARY ND OFFICE OF FINANCE

Division of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

office of Planning & Zoning 119 County Office Bldg., Townsh h, Mt.

No. 16485

DEPOSIT TO A	CCOUNT NO. 01-622	TOTAL AMOUN
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
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MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. CERTIFICATE OF POSTING

Towson, Maryland	
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Posted by May Strature Date of return 1-24-63

