

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY:

I, or we, Albert J. Meekins, widower and Crossland Realty Company, Inc., owners of the property situated 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 hereinafter described property be re-classified, pursuant to the Zoning Law of Baltimore County, from R-6 and R-10 zones to WESTERN ARCA SEC-2-B and MILR 9/18/63, for the following reason:

that there was error in the original zoning of this property.

See Attached Descriptions

and (2) for a Special Exemption, 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 Exemption advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

R.L. Real Estate Corp.
1. Albert J. Meekins, widower
2. Crossland Realty Company, Inc.
Contract purchaser
405 Tower Building
Baltimore, Maryland
M. Lee Harrison
Baltimore's Attorney

Address: The Jefferson Building
Towson 4, Maryland VA 3-6200

ORDERED BY The Zoning Commission of Baltimore County, this 14th day

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

required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout

Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioners of Baltimore County in Room 16, County Office Building in Towson, Baltimore

County, on the 23rd day of September, 1963, at 10:00 o'clock

A. M.

OFFICE OF PLANNING & ZONING

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WATER SUPPLY
SEWERAGE
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COMMISSIONERS
BALTIMORE COUNTY
BALTIMORE, MARYLAND
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**TRACT ON THE SOUTHWEST SIDE OF WINDSOR MILL ROAD,
ROAD, WEST OF THE BALTIMORE BELTWAY, SECOND
ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

**PRESENT ZONING: R-6 and R-10
PROPOSED ZONING: M-L**

Beginning for the same at a point in the center line of Windsor Mill Road, at the distance of 474.54 feet, more or less, as measured northwesterly

along said center line from the intersection with the Base Line of Right of Way of the Baltimore Beltway as shown on Plans Nos. 24128, 24129, 24130, and 24131

of said Baltimore Beltway, prepared for the State Roads Commission of Maryland under Contract No. B 635-14-429, said point of beginning being at the beginning

of the land which by deed dated June 11, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3182, Folio 163 was conveyed

by Preston W. Mullineaux and others to Crossland Realty Company, Inc. and running thence, binding on the first line of said land, (1) S. 29° 01' 24" W.,

16.50 feet to the southwest side of Windsor Mill Road, as called for in said deed, thence binding thereon and on a part of the second line of said land, (2)

S. 65° 11' 52" E., 25.78 feet, thence leaving said second line, (3)

S. 24° 42' 07" W., 1.77 feet to a point on the southwest side of Windsor Mill Road, as shown on said Plan No. 24128, said last mentioned point being opposite

to Albert Meekins, thence binding reversely on said first line, (13) southeasterly

1436.82 feet to the north side of Dogwood Road, as called for in said last

mentioned deed, thence binding thereon, (14) westerly, 470.42 feet, more

or less, to the beginning of the second parcel of said last mentioned land,

thence binding reversely on the last line of said second parcel, (15) north-

westerly, 1245.75 feet, more or less, to a point in the fifth line of the land

conveyed by Weidemeyer to Crossland Realty Company, Inc., as aforesaid,

thence binding reversely on a part of said fifth line, (16) S. 73° 56' 39" W.,

199.64 feet, more or less, to the beginning of said fifth line, thence reversely

on the fourth line of said land, and continuing the same course along the tenth

line of the land first herein referred to, in all, (17) N. 18° 53' 29" W., 522.92

feet, thence still binding on the outlines of said first mentioned land, the seven

following courses and distances: (18) S. 74° 13' 34" W., 22.76 feet, (19)

N. 18° 10' 36" W., 638.92 feet, (20) N. 19° 23' 20" W., 1131.64 feet, (21)

N. 19° 46' 59" W., 836.18 feet, (22) S. 77° 28' 44" E., 875.66 feet, (23)

S. 77° 28' 44" E., 162.25 feet, and (24) N. 38° 11' 24" E., 675.89 feet to a

point in the center line of Windsor Mill Road, as called for in said first

mentioned deed, thence binding on said center line and still binding on the

outlines of said first mentioned land, (25) S. 56° 09' 36" E., 57.50 feet, and

(26) S. 65° 11' 52" E., 389.00 feet to the place of beginning.

HGW:abr 4/17/63 J. O. #63037

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BALTIMORE, MARYLAND
Page Two

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ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

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BALTIMORE COUNTY
BALTIMORE, MARYLAND
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to dismiss the appeal to the Court of Appeals of Maryland.

#63-73R
MAP
2-B
WESTERN
ANCA
W. Lee Harrison
607 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
423-1200
Attorney for Movants
MLR

ORDER

It is hereby ORDERED this 23rd day of September, 1965, by the Circuit Court for Baltimore County that the appeal to the Court of Appeals of Maryland in the above entitled case be, and the same is, hereby dismissed.

John E. Swartzelder, Jr.
Judge

I hereby certify that on this 23rd day of September, 1965, copy of the foregoing Motion and Order was sent to Harry S. Swartzelder, Esq., 1708 Munsey Building, Baltimore, Maryland 21202, Attorney for Appellants.

W. Lee Harrison

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REV. WILLIAM VASKIS
MILTON SCHAFFER
MILROD BAKER
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
7/409/3063

G. MITCHELL AUSTIN,
W. GILES PARKER
WILLIAM S. BALDWIN
constituting the
County Board of Appeals
of Baltimore County
Defendants

ORDER

It is this 23rd day of June, 1965 ORDERED by the Circuit Court for Baltimore County, that the Order of the County Board of Appeals in connection with the above captioned matter be, and the same hereby is affirmed.

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REV. WILLIAM VASKIS
MILTON SCHAFFER
MILROD BAKER
Appellants

#63-73
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IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
7/409/3063

G. MITCHELL AUSTIN
W. GILES PARKER
WILLIAM S. BALDWIN
constituting the County
Board of Appeals of
Baltimore County
Appellees

MOTION TO DENY APPEAL

Now comes Albert J. Meekins and Crossland Realty Company, being Parties in Interest and the owners of the property involved in said appeal, by W. Lee Harrison, their attorney, and move the appeal to the Court of Appeals of Maryland, in the above entitled case be dismissed in accordance with Rule 813 of the Maryland Rules of Procedure, for the following reasons:

1. That this Honorable Court, by its Order of June 23, 1965, affirmed the decision and Order of the Board of Appeals of Baltimore County which had granted the reclassification of the property in question.
 2. That on or about July 17, 1965 an appeal was filed to the Court of Appeals of Maryland from the decision of this Honorable Court.
 3. That the time for transmitting the record to the Court of Appeals of Maryland was extended by order of this Honorable Court, dated August 16, 1965 for a period of 30 days thereafter.
 4. That the time for transmitting the record in this case, pursuant to the aforesaid Order, expired on September 15, 1965 without the record having been transmitted in accordance with Rule 825 of the Maryland Rules of Procedure and said record still has not been transmitted to the Court of Appeals of Maryland.
 5. That counsel for the Movants has been advised by the attorney for the Appellants that he will not oppose the herein Motion.
- WHEREFORE, Your Movants pray this Honorable Court by its Order,

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to dismiss the appeal to the Court of Appeals of Maryland.

ORDER

It is hereby ORDERED this 23rd day of September, 1965, by the Circuit Court for Baltimore County that the appeal to the Court of Appeals of Maryland in the above entitled case be, and the same is, hereby dismissed.

John E. Swartzelder, Jr.
Judge

I hereby certify that on this 23rd day of September, 1965, copy of the foregoing Motion and Order was sent to Harry S. Swartzelder, Esq., 1708 Munsey Building, Baltimore, Maryland 21202, Attorney for Appellants.

W. Lee Harrison

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ALBERT J. MEKINS - ZONING FILE NO. 63-73

REVEREND WILLIAM VASKIS, * IN THE
MILTON SCHAFFER, and * CIRCUIT COURT
MILROD BAKER *
vs * FOR
ALBERT J. MEKINS, * BALTIMORE COUNTY
CROSSLAND REALTY COMPANY *
* At Law
G. MITCHELL AUSTIN * Misc. 7/407/3063
W. GILES PARKER *
WILLIAM S. BALDWIN, * June 22, 1965
constituting the *
County Board of Appeals *
of Baltimore County *

BEFORE: HONORABLE JOHN E. RAINE, JR., Judge

APPEARANCES:
HARRY S. SWARTZELDER, JR., Esquire
On behalf of Petitioners
W. LEE HARRISON, Esquire
On behalf of Albert J. Meekins and
Crossland Realty Company

REPORTED BY
RUSSELL E. ROYAL, JR.
Official Court Reporter
In The Circuit Court for Baltimore County

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THE COURT: There isn't any type of case, as far as this particular judge is concerned, that causes more trouble than these zoning appeals. It is true that we're dealing with property rights and we're dealing with money and we're not dealing with human lives like we do in child custody cases, but at least the guidelines in a child custody case are more clearly defined than they are in a zoning case and this particular zoning appeal is no exception.

The subject property was originally zoned R.6 and the applicant for rezoning seeks a reclassification on the ground not of any change in the character of the neighborhood, because there really has been no such change since November of 1962 when this land use map for this particular area was adopted. The reclassification is sought on the grounds that there was original error when the County Council zoned this R.6 and did not zone it for any industrial or manufacturing use. Now, it seems to me that in the last analysis the question of how property should be zoned is a question of judgment and the Council, in the first instance, exercises its judgment and it seems

to me almost impossible of ever demonstrating error in the original zoning or comprehensive rezoning unless you allow, to an extent, some substitution of the Zoning Board's judgment for that of the County Council, yet, this Court has always been admonished not to substitute the Court's judgment for that of the zoning authorities and the question before me is not what I think this subject property ought to be, but was there evidence from which the Board could reach a conclusion, a conclusion fairly debatable, a conclusion that the County Council erred. As counsel for the appellant points out, if you take each witness's testimony and look at it by itself, you could not support the Board's action, but it seems to me that Board's finding of original error when the County Council zoned this property is fairly debatable when you take the testimony as a whole and analyze it, so that the conclusion that the Court reaches is that the action of the Board in granting the reclassification to Manufacturing Light Restricted should be upheld and that to do otherwise would be the unwarranted substitution of the Court's judgment for that of the Board.

Now, I'd like to analyze the testimony

very briefly. Certainly this property can be used for R.6 development. There isn't any area in Baltimore County that can't be used for R.6 development if somebody is willing to spend the money on it. Nevertheless, the Zoning Board could properly conclude that this property was not as easily developed for R.6 purposes as many other properties because of its basic characteristic, lying as it does bounded on the easterly side by the Baltimore County Beltway, and on the westerly side by Rutherford Airport. The topography of the property and the problems involved in the furnishing of utilities would add some hundreds of thousands of dollars to the development as a whole and even though that comes down to only \$120 per lot, nevertheless, that is a factor and it seems to me that the less desirable a piece of property is for R.6 development, then a corollary is that it is more appropriate for some kind of commercial or industrial or manufacturing use, because if it can't be well developed for R.6, it seems to me to be axiomatic that it cannot be properly or easily developed into R.10, 20, or 40, so that that is a factor, I think, that the Board can consider and did consider and that it

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plays a small role in this case, although everyone knows that mere economic gain to an applicant for rezoning is not a proper test.

Now, the testimony of witnesses like Kaltenbach and Dr. Ewell and also some of the testimony from the protestants deals with roads. Now, these roads are not modern at this time. They are narrow roads with no curb and gutter, but I think that the Board could very properly find that if this property is developed as M.L.R., the roads will be subject to a far less burden than if 650 homes were built on this subject property under the R.6 classification and that if the zoning will in fact ameliorate or lighten the burden put on an existing road system, then it seems to me that the characteristics of that system do not justify a denial of the requested reclassification. The Board, I think, can properly reach a conclusion that you do not get these big roads until a need for the roads are demonstrated and industrial or commercial development in this County will be strangled or stagnated if, before you have the development, you require the County, at its own cost, to put in large, modern road systems, gambling or

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hoping that sometime later on industry will come in to use the roads, so it seems to me that Mr. Baldwin, in his dissenting opinion, was resting his result on an illogical and untenable basis.

Now, Mr. Staab, the Director of the County's Industrial Development, testified that there are some 750 acres available for light industrial use in the 160 square mile area that encompasses the Western Planning Division, that in his opinion there is a need. Now, by need he obviously has got to mean a future need that properly can be anticipated. Certainly a county's growth would be stifled if before you could create any areas for industrial development you had to use up and preempt all other available areas, so I think the Board can accept the Staab testimony that there is a need.

Now, those are just factors that are involved in the case that ought to be considered and commented on. Basically, the position of the Board is that this property, because of all of its characteristics, to wit, its topography, its proximity to the Beltway, what the Board considered reasonably close access to a major highway,

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its proximity to other industrial areas such as the Meadows Industrial Park, its position of being sandwiched between the airport and the Beltway, that all of those characteristics make this particularly suitable for manufacturing zoning and that therefore the County Council made a mistake when it did not give effect to that particular suitability, that the County Council, in short, committed error when it zoned this property R.6. Now, the Zoning Board didn't reach that conclusion out of thin air. They adopted the original view of the planning experts and the position of the Zoning Board is in harmony with the present view of the County planners. Now, certainly the views of the professional planners are entitled to weight and the Zoning Board can give them great weight and if the Zoning Board accepts the views then and now of professional planners, then it would follow that the Council erred when they didn't follow those views. The unusual aspect of the case is that the County planners felt that this property should be zoned light industrial because of its eminently suitable character, but then the owner of a major portion of this property brought court action seeking to require the County

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to approve a subdivision plat so that the property could be developed R.6. It is clear that there was some court order passed and that litigation undoubtedly played a great part in the Board's decision, in the planning staff's decision to change their recommendation to the County Council and that it was erroneous from the standpoint of logic or law or good zoning for the planners to have recommended to the County Council that the subject property be zoned R.6, so that it seems to me the error on the part of the County Council is chargeable not directly to the Council, but to the planners, but that doesn't alter the present case, for regardless of who caused the error, if the planners felt that error was made, and that is the inevitable conclusion that must be drawn and certainly one that the Board could permissibly draw, despite Mr. Gavrell's hesitancy in expressing that opinion, then the Board can properly rezone this property.

Now, that's the way I look at it. I think that the Board's decision is correct as a matter of fact, as a matter of personal opinion, but I also believe that there is enough evidence in the case to justify their

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finding of error and that regardless of how the Court as an individual felt, to reverse the Board in this particular case would be a wrongful judicial approach. I've been rambling and I don't know whether my remarks have added anything to the court's understanding of the case or whether the remarks would be of any benefit whatsoever to the Court of Appeals, but, in a nutshell, what I'm saying is that if it's fairly debatable, the action of the Board is affirmed, and I believe it is.

* * * *

REV. WILLIAM VANKIS	•	IN THE
MILTON SCHAEFFER	•	CIRCUIT COURT
MILWAH BAKER	•	
Petitioners	•	FOR
vs.	•	BALTIMORE COUNTY
G. MITCHELL ROSEN,	•	AT LAW
W. GILBO PARMER	•	Misc. No. _____
WILLIAM S. BALDWIN,	•	
constituting the	•	
County Board of Appeals	•	
of Baltimore County.	•	
Defendants	•	

ORDER FOR APPEAL

Mr. Clerk:

Please note an Appeal on behalf of Rev. William Vankis, Milton Schaeffer, and Milwah Baker, 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 and R-10 Zone to an M.L. Zone of property located on the south side of Windsor Mill Road, 474.54' West of the Baltimore County Beltway. This appeal is from the decision of Petition No. 6775, of the County Board of Appeals of Baltimore County dated July 23, 1964, granting the request for Reclassification. This Appeal is filed pursuant to the provisions of Maryland Rules 82 and 84.

HARRY S. SHWARTZBLUM, JR.
1700 Ramsey Station
Baltimore, Maryland 21202
727-4929
Attorney for Petitioners

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I HEREBY CERTIFY that I mailed a copy of the foregoing Order for Appeal this 21st day of August, 1964, to W. Lee Harrison, Esquire, Loyola Building, Towson 4, Maryland, and to Baltimore County Board of Appeals of Baltimore County, County Office Building, Towson 4, Maryland.

HARRY S. SHWARTZBLUM, JR.
Attorney for Petitioners

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

FROM: H. B. Staab
Mr. John G. Rose
TO: Zoning Commissioner
Zoning Petition - s/s Windsor
SUBJECT: Mill Road - 2nd District
115.79 acres - Owner: Albert J. Meekins

Date: May 31, 1964
63-73

The Office of the Industrial Development Commission recommends that the subject petition be granted.

We feel the tract offers sites for future industrial operations that will be needed to provide Baltimore County with a sound taxable base for its future.

As you are well aware this type of location, adjacent to the Beltway, is limited to 3 sites. Although there appears to be adequate zoned land available at this time we feel that more will be needed as the present zoned tracts are developed. Dr. Muncy stated in Technical Report No. 2 of the Baltimore Regional Planning Council, "Prominent sites on freeways are an important new location trend in industry."

H. B. STAAB, Director
Industrial Development
Commission

HBS:cm

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October 21, 1963

Mr. Edward D. Hardesty,
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from R-6 and R-10 Zones to an M-L Zone, S/S Windsor Mill Road, 474.54' W. of Balto. Co. Bldgwy, 2nd District - Albert J. Meekins, et al -
Petitioner Case No. 63-73-R

Dear Mr. Hardesty:

Please enter an appeal to the County Board of Appeals on behalf of the applicants in connection with the above captioned matter from your decision dated October 17, 1963.

I enclose herewith check in the amount of \$70.00 to cover the costs in filing the same.

Very truly yours,
SMITH AND HARRISON

By: *John Harrison*
W. Lee Harrison

original "M-R" recommendation was removed and the property returned to "R-6" because the County had found out that there would not be an interchange constructed at Windsor Mill Road in the foreseeable future, and gave as its reason that the access pattern to the proposed industrial tract was precluded for an indefinite period.

The protestors complained that the existing roads in the area are inadequate to support the proposed 115 acre industrial tract and with this contention I agree. Windsor Mill Road is only 18 feet wide with no gutter, curb or sidewalks. The primary access to the property will be from Security Boulevard through Belmont Avenue and Dagwood Road to the south side of the tract. Dagwood Road is only 19 feet wide with no curb, gutter or sidewalks, and narrowing to 16 feet approximately 200 feet from the subject property. Belmont Avenue, which runs for approximately one mile from Dagwood Road to Security Boulevard, has been improved by the State for approximately 1/10 of a mile, the rest of Belmont Avenue being only 16 feet wide with no curb, gutter or sidewalks. There is no plan in the foreseeable future for any improvement to either Belmont Avenue, Dagwood Road or Windsor Mill Road from the Beltway to Rolling Road. Mr. Gavelle testified that the development of the subject property as "M-L" would not cause the widening of Belmont Avenue to the south.

The majority of the Board denied the "M-L" zoning but granted a reclassification to "M-L-4". With this I cannot agree as Section 247 of the Baltimore County Zoning Code under "M-L-R" Zone, titled "Purpose" states:

"To permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary thoroughfares so as to minimize the use of residential streets, to fill special locational needs of certain types of light industry; to permit planned disposal of industrial employment centers so as to be conveniently and satisfactorily related to residential communities; and as transitional lands between residential or institutional areas and M.L. or M.H. Zones."

The subject tract, to my way of thinking, does not meet any of the locational criteria required by this section of the Code.

It also should be considered that a highly successful developer, the Meyerhoff interests, felt that this property could and should be used for residential purposes. I feel that this petition is premature, that the existing roads are inadequate to service an industrial park, and that industrial zoning here would be completely surrounded by residential development.

Therefore, for the reasons given above I feel that the requested reclassification should be denied and the property should remain "R-6", and "R-10".

DATE: *10/23/63* MICROFILMED

RE: PETITION FOR RECLASSIFICATION from "R-6" and "R-10" Zones to an "M-L" Zone, S/S Windsor Mill Road, 474.54' W. of Baltimore County Beltway, 2nd District - Albert J. Meekins, et al -
Petitioners
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
No. 63-73

OPINION

The petition in this case requests the reclassification of 115.79 acres, located on the south side of Windsor Mill Road, the west side of the Baltimore County Beltway, the north side of Dagwood Road and the eastmost boundary of Rutherford Airport in the Second Election District of Baltimore County, from "R-6" and "R-10" Zones to an "M-L" Zone. The property has frontage on Windsor Mill Road of 700 feet, on Dagwood Road of 470 feet and approximately 2500 feet on the Beltway. The east boundary is contiguous to the Rutherford Airport and, as a matter of fact, the runways of that airport are located so that the flight pattern is over the subject property.

Adequate sanitary sewer is available to the property, a terminus of the North Branch of the Dead Run Interceptor is located on the property in question. There is a 12" water main in Windsor Mill Road and a 16" water main in Dagwood Road with no capacity or pressure problems. An interchange with the Baltimore County Beltway was proposed at Windsor Mill Road at the time of the adoption of the map and the rights of way for the interchange and its ramps were acquired by the State Roads Commission. There was testimony from a competent traffic engineer that existing roadways are adequate to handle traffic from the subject location and additional testimony from the Director of Public Works that road improvements would be made in the future to handle any additional traffic if the need arose.

There was also testimony from the Director of the Industrial Development Commission that there is a need for additional light manufacturing zoning and particularly land which is zoned for that purpose which is immediately available for development. This gentleman further indicated that there were less than 750 acres of industrial zoned land in approximately 160 to 170 square miles of property and that this location was particularly desirable because it was located on the Washington to Baltimore industrial corridor. The Planning Board said in 1961 in its Report on the Western Planning Areas:

"A major planning problem of the Area is the scarcity of industry. This is partly the result of the Area's distance from the dominant industrial concentrations in the southern and eastern coastal plain sections of Baltimore City and County. More significant, however, has been the absence heretofore of major high speed transportation routes. The Western Maryland Railroad borders the Area, but does not traverse it, and Liberty Road is actually a metropolitan radial highway rather than an interstate route. This picture is expected to change when the Beltway, the Northwest Freeway and other new arterial motorways are completed."

MICROFILMED

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND		No. 17774 DATE 9/15/63
TO: Messrs. Smith & Harrison The Jefferson Building Towson 4, Md.	BY: <i>John Harrison</i> Selling Department of Baltimore County	
REPORT TO ACCOUNT NO. 0122	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$70.00 COST 50.00
Petition for Reclassification for Albert J. Meekins, et al		
9-1263 9-10 * * * TEL- 5000		
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. 24737 DATE 9/17/64
TO: Harry S. Senterwelder, Jr., Esq. 1708 Monsey Building Baltimore, Md. 21202	BY: <i>John Harrison</i> County Board of Appeals (Zoning)	
REPORT TO ACCOUNT NO. 9172	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$8.00 COST \$8.00
Cert of Certified Documents - No. 63-73 Albert J. Meekins Crawford Realty Co., Inc. S/S Windsor Mill Road, 474.54' W. of Baltimore County Beltway 2nd District - Baltimore County, Md. - Office of Finance		
9-1868 9-283 * 24737 TEL- 800		
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.		

If we were to approve "M-L" light manufacturing, zoning on the subject parcel it could be applied to either commercial uses such as a shopping center or to light manufacturing purposes. Therefore, in order to assure its preservation as an available resource of the county and to limit it for manufacturing development only, we will deny the "M-L" zone requested and, under the prerogative of the Board, will grant the reclassification of the property to "M-L-4", manufacturing light restricted, zone. This zone prohibits the commercial uses and will insure that the property can be developed only for the light manufacturing type of uses which are now presently existing in the Meadows Industrial Park immediately to the southeast at Security Boulevard.

Under the classification herein granted, the majority of the Board believes that the development of the property in accordance with this zoning will be of immeasurable benefit to the public welfare and particularly to the locale in question. There will be less of a demand on public facilities such as water and sewer. Baltimore County will benefit from an increased assessable basis and such development will be better able to provide for improved road facilities without adding any increased burdens to the school system, as would residential development. Furthermore, there is more than sufficient undeveloped land to the west of this property to take care of any future demand for residential purposes in the area served by the local churches and schools.

ORDER

For the reasons set forth in the foregoing Opinion, it is this *23rd* day of July, 1964 by the County Board of Appeals, ORDERED that the reclassification to "M-L-4" 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

By: *John Harrison*
Chairman

By: *W. Lee Harrison*

RE: PETITION FOR RECLASSIFICATION from "R-6" and "R-10" Zones to an "M-L" Zone, S/S Windsor Mill Road, 474.54' W. of Baltimore County Beltway, 2nd District - Albert J. Meekins, et al -
Petitioners
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
No. 63-73

DISSENTING OPINION

The petitioner in this case requests the reclassification of approximately 116 acres of land situated in the Second District of Baltimore County, from "R-6" and "R-10" Zones to an "M-L" Zone, the location of the property being described in more detail by the Board's majority opinion.

Adequate utilities are available at the property and an expert witness for the petitioner, Mr. Lester Matz, testified that there would be a storm drain deficit amounting to \$120,000 if the property were developed "R-6". However, he also testified that this increased cost would amount to only \$190 per lot and that the property could be developed "R-6".

There was testimony from the Director of the Industrial Development Commission as to the need for additional manufacturing zoning in Baltimore County, but he also stated there is presently a large undeveloped tract of "M-L" within one mile of the property at the intersection of Security Boulevard and the Baltimore County Beltway.

The petitioners' traffic expert testified that the existing roads are "adequate for what will be on the property in the next three or four years". The petitioners maintain that the property is erroneously zoned is based upon the fact that at one time the Planning Board had recommended that the tract be zoned "M-R", but this recommendation was later removed and the recommendation to the County Council at the time of the adoption of the map was for "R-6".

Witnesses for the petitioner testified that the property was erroneously zoned "R-6". However, Mr. George L. Gavelle, Director of Planning for Baltimore County who was called as a witness by the Board, would not say whether or not there was an error in regard to this property and stated that it was "a question of timing". He did testify that the current study of the Planning Staff reaffirms the desirability of industrial zoning south of Windsor Mill Road, and the desirability of an interchange at the Beltway and Windsor Mill Road. He further stated that the promise of a future interchange at Windsor Mill Road was a major factor in the Staff thinking.

Taking Mr. Gavelle's testimony in toto it left me with the impression that the requested rezoning is premature in view of the uncertainty of an interchange at Windsor Mill Road. The Planning Board's Minutes dated February 28, 1961 indicate that the

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND		No. 20131 DATE 9/23/63
TO: Messrs. Smith & Harrison The Jefferson Building Towson 4, Md.	BY: <i>John Harrison</i> Selling Department of Baltimore County	
REPORT TO ACCOUNT NO. 0122	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$94.46 COST 94.46
Advertising and posting of property for Albert J. Meekins, et al		
9-2163 10-79 * * * TEL- 9446		
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. 19954 DATE 10/16/63
TO: Messrs. Smith & Harrison The Jefferson Building Towson 4, Md.	BY: <i>John Harrison</i> Office of Planning & Zoning 117 County Office Bldg. Towson 4, Md.	
REPORT TO ACCOUNT NO. 0122	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$70.00 COST \$70.00
Cert of appeal - Albert J. Meekins, et al No. 63-73		
9-2163 10-79 * * * TEL- 7000		
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.		

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Ridderstown, MdTHE COMMUNIST PRESS
Baltimore, Md.THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

Sept. 9, 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, Mary-
land, once a week for One Week ~~on each week~~ before
the 9th day of Sept., 1963, that is to say
the same was inserted in the issues of

September 6, 1963.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager

MICROFILMED

PETITION FOR ZONING RECLASSIFICATION
2nd DISTRICT
ZONING: From R-6 and R-10 to M.L. Zone
LOCATION: South side of Windsor Mill Road 474.54 feet West of Baltimore County Beltway.
DATE & TIME: MONDAY, SEPTEMBER 23, 1963 at 10:00 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Concerning all tract parcel of land in the Second District of Baltimore County.
Beginning for the same at a point in the center line of Windsor Mill Road, at the distance of 474.54 feet, more or less, as measured northwesterly along said center line from its intersection with the Base Line of Right of Way of the Baltimore Beltway as shown on Plan Nos. 24128, 24129, 24130, and 24131 of said Baltimore Beltway, prepared for the State Roads Commission of Maryland under Contract No. B 635-14-420, said point of beginning being at the beginning of the land which by deed dated June 11, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3182, Folio 163 was conveyed by Preston W. Mullineaux and others to Crossland Realty Company, Inc. and running thence, binding on the first line of said land, (1) S. 29 degrees 01' 24" W., 16.50 feet to the southwest side of Windsor Mill Road, as called for in said deed, thence binding thereon and on a part of the second line of said land, (2) S. 65 degrees 11' 52" E., 25.78 feet, thence leaving said second line, (3) S. 24 degrees 42' 07" W., 1.71 feet to a point on the southwest side of Windsor Mill Road, as shown on said Plat No. 24128, said last mentioned point being opposite Station 25 plus 50 on the Base Line of Right of Way of Windsor Mill Road, as shown on said plat, thence binding on said southwest side of Windsor Mill Road, (4) S. 30 degrees 15' 31" E., 61.03 feet, and (5) S. 65 degrees 17' 53" E., 100.00 feet, thence along a gusset line shown on said plat, (6) S. 25 degrees 08' 09" E., 130.54 feet to a point on the Right of Way Line of said Baltimore Beltway, as shown on said plat, said last mentioned point being opposite Station 137 plus 00 on the Base Line of Right of Way of said Baltimore Beltway, thence binding on the Right of Way Line, as shown on said Plat No. 24128, and on Plats Nos. 17622 and 17617, the four following courses and distances: (7) S. 04 degrees 32' 36" E., 802.64 feet, (8) S. 03 degrees 01' 16" E., 550.82 feet, (9) S. 07 degrees 29' 25" E., 151.33 feet, and (10) S. 00 degrees 06' 06" W., 1007.43 feet to the end of the sixth line of the land which by deed dated October 23, 1957 and recorded among the aforementioned Land Records in Liber G.L.B. No. 3255, Folio 228 was conveyed by Thomas E. Weidemeyer and wife to Crossland Realty Company, Inc. thence binding reversely on said sixth line, (11) S. 73 degrees 39' 15" W., 238.04 feet, thence binding reversely on a part of the fifth line of said last mentioned land, (12) S. 73 degrees 56' 39" W., 212.31 feet to a stone heretofore set in said line, said stone being at the end of the first line of the first parcel of the land which by deed dated February 23, 1951 and recorded among said Land Records in Liber G.L.B. No. 1940, Folio 455 was conveyed by D. Franklin McGinnis, Executor, to Albert McKinnis, thence binding reversely on said first line, (13) southeasterly 1456.82 feet to the north side of Dogwood Road, as called for in said last mentioned deed, thence binding thereon, (14) westerly, 470.42 feet, more or less, to the beginning of the second parcel of said last mentioned land, thence binding reversely on the last line of said second parcel, (15) northwesterly, 1245.75 feet, more or less, to a point in the fifth line of the land conveyed by Weidemeyer to Crossland Realty Company, Inc., as aforesaid thence binding reversely on a part of said fifth line, (16) S. 73 degrees 56' 39" W., 199.64 feet, more or less, to the beginning of said fifth line, thence reversely on the fourth line of said land, and continuing the same course along the tenth line of the land first herein referred to, in all, (17) N. 18 degrees 53' 29" W., 522.92 feet, thence still binding on the outlines of said first mentioned land, the seven following courses and distances: (18) S. 74 degrees 13' 34" W., 22.76 feet, (19) N. 18 degrees 10' 36" W., 638.99 feet, (20) N. 19 degrees 23' 20" W., 1131.64 feet, (21) N. 19 degrees 46' 59" W., 536.18 feet, (22) S. 77 degrees 25' 44" E., 875.66 feet, (23) S. 77 degrees 28' 44" E., 162.25 feet, and (24) N. 39 degrees 11' 24" E., 675.89 feet to a point in the center line of Windsor Mill Road, as called for in said first mentioned deed, thence binding on said center line and still binding on the outlines of said first mentioned land, (25) S. 56 degrees 09' 36" E., 57.50 feet, and (26) S. 62 degrees 11' 52" E., 389.00 feet to the place of beginning.
Being the property of Albert J. McKinnis, and Crossland Realty Co., Inc., as shown on plat filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Sept. 6

CONSULTING ENGINEERS
1800 N. CHARLES STREET
BALTIMORE 1, MARYLAND

JOB NO. * 109B

SUBJECT WINDSOR MILL & BELTWAY SHEET NO. 1 OF 2

BY

DATE _____



