

IN THE MATTER OF
THE
PETITION OF
PROPERTY INVESTORS, INC.
FOR
SPECIAL HEARING

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5888-SH 63-5

OPINION

The Petitioner seeks clarification of Section 253.1 of the Baltimore County Zoning Code as it relates to the question of need for the securing of a Special Exception for use of a certain portion of the Petitioner's land containing approximately eighteen acres located in the Third Election District, in Owings Mills Industrial Park, near Music Fair Road.

The present zoning classification of the subject property is M.L. (Manufacturing Light), and the use to which the property is intended to be committed is as a privately operated golf driving range, including miniature golf and tennis club.

In the presentation of the questions involved, the Petitioner contends that the language of Section 253.1, of the Zoning Code, establishing use regulations for the M.L. zone, is ambiguous and inconsistent with the Schedule of Special Exceptions shown in Section 270, in that Section 253.1 purports to allow non-residential uses permitted in the B-R zone, in which a golf driving range is a permitted use, while Section 270 purports to prohibit such use under the Schedule of Special Exceptions listed for the M.L. zone. The Petitioner further contends that if such use were intended to require a special exception in a M.L. zone it would have been included in the list of uses requiring Special Exception in the M.L. zone as listed in Section 253.5.

A review of Sections 253.1, 253.5 and 270, of the Baltimore

County Zoning Regulations substantiates the factual allegations of the Petitioner regarding the ambiguities created by the language of the respective sections, as they affect the right of the Petitioner to commit his land to the use he proposes.

The evidence presented requires clarification of the two questions which it raises:

1. What is the controlling language governing the use regulations in the M.L. zone, Section 253 or Section 270?
2. Is a special exception required under the governing language to permit the Petitioner's proposed use of his land?

As to the first question, I believe it is abundantly clear that Section 252, and not Section 270, is the controlling language of the zoning regulations. Section 270 is obviously intended as a handy index reference table of special exceptions. Its deletion or complete removal from the zoning regulations would not substantially affect the existing zoning laws; whereas, deletion or removal of Section 253 would have a profound effect upon the existing zoning laws. Therefore, Section 253 is the controlling language governing use regulations in the M.L. zone.

As to the second question, I believe the Petitioner's argument is well founded. Section 253.5 contains the list of uses requiring special exception and by its language refers to Sections 270 and 502. For the reasons previously stated, Section 270 is not applicable since it is ambiguous. Section 502 sets forth conditions which form the basis for requirement of special exceptions for certain uses. I do not feel that the use of the Petitioner's land as proposed, falls within the types of uses requiring special consideration as contemplated in Section 502. Moreover, it is listed in Section 253.5 among those requiring such consideration in the M.L. zone. It is, therefore, my opinion that the use of the Petitioner's land for a golf driving range, including miniature golf and tennis club, does not require a special exception in the M.L. zone.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of July, 1963, ordered that the Petitioner is not required to obtain a special exception for the use of the subject land for the purposes set forth in the Petition, and that such use of the subject land may be made in the M.L. zone without special exception.

Zoning Commissioner

PETITION FOR A SPECIAL HEARING

In the Matter of : BALTIMORE COUNTY
Petition of : ZONING COMMISSIONER
Property Investors, Inc. : 37 BALTIMORE COUNTY

For a Special Hearing
To the Zoning Commissioner of Baltimore County

Property Investors, Inc.
Petitioner

hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a special exception for a privately operated golf driving range, including miniature golf and tennis club in an M.L. zone under the language of Section 253.1 of the Baltimore County Zoning Code, on

located at the property

17 acres of land in the Third Election District located in Owings Mills Industrial Park near Music Fair Road.

unw 24 63

Property Investors, Inc.
Petitioner
1101 S. Broadway St.
Baltimore 23, Md.
Attorney: J. D. Hill
300 KESTERVIEW RD
Pikesville 8, Md.
Address: Hu 4-0300

TELEPHONE VALLEY 3-3000	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND	No. 17803 DATE 6/27/63
TO: Property Investors, Inc. 1101 S. Broadway Street Baltimore 23, Md.	BILLED BY: Zoning Department of Baltimore County	
REPORT TO ACCOUNT NO. QUANTITY	01622	145.00
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Petition for a Special Hearing		25.00
1700 - Baltimore County, Md. - Office of Finance		
2163 9044 * * * 711 -		2500
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.		

ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of May, 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 throughout Baltimore County, that the 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 3rd day of July 1963 at 1:00 P.M.

ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR A SPECIAL HEARING

ZONING: Petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for Special Exception for privately operated golf driving range, including miniature golf and tennis club in an M.L. zone under the language of Section 253.1 of the Baltimore County Zoning Code.

DATE & TIME: WEDNESDAY, JULY 3, 1963 at 1:00 P.M.
PUBLIC HEARING: Room 106, 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.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 21, 1963

FROM: Mr. ROBERT E. GAVELLAS, Deputy Director

SUBJECT: #2000-5711. Petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for Special Exception for privately operated golf driving range, including miniature golf and tennis club in an M.L. zone under the language of Section 253.1 of the Baltimore County Zoning Code.

Disric: Wednesday, July 3, 1963 (1:00 P.M.)

The Planning staff has insufficient information on which to base advisory comment or opinion regarding the subject petition.

OBG:bun

TELEPHONE VALLEY 3-3000	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND	No. 17885 DATE 7/1/63
TO: Property Investors, Inc. 1101 S. Broadway St. Baltimore 23, Md.	BILLED BY: Zoning Department of Baltimore County	
REPORT TO ACCOUNT NO. QUANTITY	01622	145.00
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Advertising and posting of your petition for Special hearing #5888-SH-63-5		14.00
1700 - Baltimore County, Md. - Office of Finance		
1-163 832 * 17885 118-		
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.		

PETITION FOR A
SPECIAL HEARING

ZONING: Petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for Special Exception for privately operated golf driving range, including miniature golf and tennis club in an M.L. Zone under the language of Section 253.1 of the Baltimore County Zoning Code.

DATE & TIME: WEDNESDAY, JULY 3, 1963 at 1:00 P.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.

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

June 14.

ORIGINAL
OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

June 18, 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 ~~successive weeks~~ before
the 18th day of June, 19 63, that is to say
the same was inserted in the issues of
June 14, 1963.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager *PS*

PETITION FOR A SPECIAL HEARING

ZONING: Petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for Special Exception for privately operated golf driving range, including miniature golf and tennis club in an M.L. Zone under the language of Section 253.1 of the Baltimore County Zoning Code.

DATE & TIME: Wednesday, July 3, 1963, at 1:00 P.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.

By order of

JOHN G. ROSE,
Zoning Commissioner of
Baltimore County.

June 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD June 14, 1963

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ~~successive~~
~~for~~ 1 time ~~successive weeks~~ before the 3rd
day of July, 1963, the first publication
appearing on the 14th day of June
1963.

THE JEFFERSONIAN,

Frank M. Smith
Manager.

Cost of Advertisement, \$

NO PLAT
IN
THIS FOLDER

MICROFILM