DAVID R. MILLARD and ON THE JANE D. MILLARD 1316 Bellona Avenue CIRCUIT COURT FOR AT LAW COUNTY BOARD OF APPEALS OF BALTIMORP COUNTY Mine. 8/7 3361 . . . . . . . . . . . . . . . . . ORDER OF DISMISSAL The state of the s George W. McManuit, Jr. True Copy Tast ORVILLE T. GOSNELL. Clark Per Georgia C. Wilbur Deputy Clerk DEC 3 1965 FILING FEE PD. RE: PATITION FOR RECLASSIFICATION From "R-10" Zone to "B-R" Zone N. S. Bellons Ave., 660' W. of Clarke Ave., 8th District -G. Clyde Andrew, Putitioner BEFORE ZONTING COMMISSIONES BALTIMORE COUNTY No. 64-60-3 subject grounty from an %-10" Zone to a %-24" Zone. This property is a continuation of property is a continuation of property toose %-24" by the Baltimore County Board of Appeals on January 10, 1957. The property sound in 1957 contained a contractor's bladed in an observant supply company. The said sounds is already sound of the said that t

Ave

The existing conserval uses create a traffic problem at present in that the traffic must proceed easterly up the ramp to Charles Street an Bellion Arenor. Infig use is incredible to any person using this Bellawy entrance for the first time. Any additional conserval use would only cause more confusion.

The saming of 1970 has resulted in the construction of new buildings said has form sent the new pit the property own and above what the above on a neconferent new and representation of consured as well deteriorate the uninting residential uses.

For the above reasons the reclassification should

It is this M day of March, 1964, by the Zoning Commissioner of Saltimer Country, Common that the above reclassification be sent the same is heavy DMILD and that the above above described property or wrea be and the same is sentireed as and to remain an "Poll" follow.

Zoning Comissions

RE- PETITION FOR RECLASSIFICATION : from an R-10 Zone to a B-R Zone, N/S Bellong Avenue, 660' West G. Clyde Andrew

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 64-60-R 

## OPINION

The petitioner here seeks a reclassification from an R-10 Zone to a B-R Zone of a lot 233 feet by 145 feet situated on the northside of Bellona Avenue 660 feet west of Clarke Avenue in the Eighth District of Baltimore County. Bellona Avenue at this point is actually primarily used as an additional ramp to enter the Baltimore County Beltway west-bound. Its only other function is to provide ingress and agress to four properties west of the subject property. The property immediately west of the subject lot was reclassified from R-10 to B-R by the Board of Appeals in January, 1957. There is presently under construction a building under lease to the Shaw Walker Company (an office furniture and equipment company); to the west of this lot there is an existing onestory building which is leased to Thermofax Sales, Inc.; to the west of the Thermofax building is another one-story masonary building which is under long term lease to the Sperry Rand Corporation; west of the Sperry Rand is a tract of ground zoned R-10 owned by the Lutherville Supply Company and being used as a contractor's equipment storage yard under a nonconforming use. Across the Baltimore County Beltway is a ten-story apartment building known as Ruxton Towers. The land directly north of the property is presently zoned R-10. Slightly north and east of the property is a tract of ground consisting of approximately four acres known as the Wingard property which was rezoned by the Board of Appeals from R-10 to R-A in March, 1964, the rezoning being upheld by the Court of Appeals of Maryland in June. 1965.

The petitioner testified to various changes in the neighborhood; Case No. 3890, the rezoning of the property immediately west to B-R; No. 6578, the Wingard property above referred to; No. 4525, the Ruxton Towers reclassification. Also, there was testimony that while the County authorities knew the location of the Charles Street extension and the Baltimore County Beltway, the actual construction did not take place

Bernard Willemain, a recognized expert in the field of city planning, testified that, in his paintan, the County was unable to anticipate the impact of the dualization and the extension of Charles Street and the construction of the Baltimore County Beltway on the immediate neighborhood. There was also testimony that the State is now placing vapor lighting all along the Baltimore County Beltway almost

•• 104-60R TON FOR ZONING RE-CLASSIFICATION AND/OR-SPECIAL-EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1, occord, G., CLXDE, ANDREW, legal owner, of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the property situate in paltimore ρ<sup>1</sup> μρ<sup>0</sup> ruty and which is described in the descrintion and the state of the state County and which is described in the description and plat attached hereto and made a part hereof, County and which is described in the description and past attached according to the hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant sec. 3to the Zoning Law of Baltimore County, from an R-10 ....B=R.....zone; for the following reasons: BR

1. Because of errors in the original zoning map; and

2. Because of changes in the character of the neighborhood.

2/13/64 NW-11A NW-RA

See Attached Description

CONTRACTOR OF THE PROPERTY OF

Property is to be posted and advertised as prescribed by Zoning Regulation 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 equiations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Address Riderwood, Maryland R.C. murray Kenneth C. Proctor James Bldy -Address \_Campbell\_Building\_ Towson, Md. 21204

196 I, that the subject matter of this petition he 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 106, County Office Building in Towson, Baltimore

on the GEC 4-'63 ....day of March ...... 196.4 at 1:00 o'clock County, on the ... ( 17) OF PUNNIS & BALL

G. CLYDE ANDREW - No. 64-60-R

directly in front of the property, and that construction of a third lane in each direction on the Beltway will begin in the early Fall of this year. The testimony indicated that virtually all of the changes that have occurred in the neighborhood have occurred after January, 1957, the date of the Board of Appeals decision in case No. 3890. Indeed, there was also testimony by witnesses for the petitioner that there was error in the adoption of the map in 1955 as the subject property is unsuitable for development in an R-10 classi-

One of the protestants, Mr. David Millard, who lives two houses east of the subject property testified that when he moved to his house in September, 1958 conditions were not objectionable or detrimental to his use of the amounts as a residence. However, he stated that after the opening of the new arterial highways in the area, and especially the opening of the Jones Falls Expressway, that conditions were materially altered and conceded that if the conditions that exist with regard to traffic on the be'two had existed in 1958 when he purchased the property, he would have grave doubts as to whether or not he would purchase the property for residential use.

The petitioner produced testimony through W. Worthington Ewell, a recognized traffic expert, that, in his opinion, the rezoning here for a proposed officewarehouse type use similar to that existing on the Sperry Rand and Thermofax lats would have such an insignificant effect on the traffic that it should not even be considered a

Testimony of Mr. Walter D. Pinkard, who is the developer of the property was to the effect that if the reclassification were granted he intends to develop the property in the same manner as the property immediately to the west, and that to do otherwise would be very foolish because a use of the property dissimilar from that of the other property he controls immediately to the west would jeopardize the entire property. He further stated that it was necessary to have Business-Roadside zoning because under the existing regulations this zoning is required if there is to be any warehousing. The Sperry Rand and Thermofax buildings are well kept and have all outward appearance of small office buildings. However, since they do store equipment on the premises (in the case of Sperry Rand approximately 15% of the building is devoted to warehousing, and in the case of Thermofax approximately 20%) it is necessary that they have a Business-Roadside classification. Mr. Pinkard further testified that he had had several offers to lease the lot immediately to the west of the subject property for a drive-in restaurant, un allowable use within the B-R zone, however, he refused to do so because he feared it would jeopardize his investment in the entire tract.

G. CLYDE ANDREW - No. 64-60-R

TON FOR ZONING RECLASSIFICA

ZONING: From R.16 ted B.R. Zone LOCATION: North side of Retiness A 500 feet West of Clarks Avenue DATK & TIME Wednesday, Marc 1941 of 198 P. M. PUELC: HARRING: Room 104, C Office Building, 111 W. Chempeake Box, Towson, Marjand

LOCATION: North side of

Bellona Avenue 660 feet West of Clarke Avenue. DATE A TIME: WEDNES-DATE 4 1964 at 1:00

w. Cheapeake Avenue, Tu-son, Maryland Commissioner of Baltimere County, by authority of the Zoning Act and Raytia-tions of Baltimere County, will held a public hearting.

Only two persons appeared to protest the reclassification; Mr. Millard, ony was referred to above, and Mrs. Atkinson whose home is at 7202 Charles metimes referred to as Bellona Court) whose house faces east on the Court but who can see the subject property from her rear yard. Her prime objection, as Mr. Millard, seemed to be the increased traffic that might be generated by the proposed use. However in the Board's opinion, the testimony of W. Worthington Ewell completely negates this fear. This was substantiated by the Board's personal inspection of the property and the existing office-warehouse uses immediately to the west.

We find that the petitioner has produced compelling evidence of error in the map and a genuine change in conditions of the neighborhood to justify the requested exoning from an R-10 zone to a B-R zone.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 15th day of September, 1965 by the County Board of Appeals, OR DERED 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

William S. Boldwin, Chairman

Take A Ste

)64-60

-3-

## CERTIFICATE OF PUBLICATION

TOWSON, MD. .... February, 14, .. 19.64. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., anonciacocch ofx ... 1 time ..... successive mecks before the ... hth...... day of Harch 19.6h, the 5757 publication 

THE JEFFERSONIAN

Containing 6.75 of an Acre of land more or less.

Being the property of G. Clyde Andrew as abown on plat plan filed with the Zon lag Department. Cost of Advertisement, \$

ORIG DIA THE BALTIMORE COUNTIAN THE COMMUNITY NEWS

CATONSVILLE, MD

February 17, 1964

THIS IS TO CERTIFY, that the annexed advertises John G. Rose, Zoning Commissions r 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 the 17th day of February, 19 na , that is to say

the same was insorted in the issues of February 14, 1964.

THE BALTIMORE COUNTIAN

By Paul J. Morgan



November 1, 1963/

#64-60 R

MAP.

SE13-6

and described as follows to wit:

at the distance of 560 feet measured westerly along the morth side of
act against a forth or formed by the international related as
all avenue from the convent formed by the internation when the side of
act avenue from the convent formed by the internation when the side of
act avenue for the side of beliens avenue and running,
thence and binding on the north side of Beliens avenue the two following
courses and distances with South 55 degrees of Finitus 20 seconds West
theory leveling act avenue and binding on the easiermore boundary of
a precal of land hereoforce round B.R. the two following courses and
distances with 36 degrees 05 minutes East 2600 feet and inorth
and running the two following courses and distances with 30 th 10 degrees 30 minutes East 212,50 feet and south 7 degrees 19 minutes East 212,50 feet and south 7 degrees 15 minutes East
115 feet to the place of beginning.

DOLLENBERG BROTHERS

Parlament Parlament Foreign # Land Support

TOWSON 4. MD.

Zoning Rescription

Containing 0.75 of an Acre of land more or less.



Advertising and posting of property for 0. Clyde Andrew  ###################################	36.00 -		
FAID-survey Court, Vol College	of Personal	Spent Cost of posting property for appeal hearing O. Clyde Andrew - No. 66/60	Second States
6-2864 704 • 21631• HP-	36.00	3-2064 1554 • 2322 5-2064 1554 • 2322	
3		PORTAINT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, 1	2270
IL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSO ASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.  INVOICE BALTIMORE COUNTY, MARYAND	THE STATE OF THE S	PHONE BALTIMORE COUNTY, MARYLAI OFFICE OF FINANCE	
OFFICE OF FINANCE Division of Collection and Reviets COURT HOUSE TOWSON 4, MARYLAND	DATE 12/1/63	Dirition of Celleties and Recipts COUNT HOUSE TOWSON 4, MARYLAND TO: Campbell Building	of Flaming & Zening
OFFICE OF FINANCE  Division of Collection and Receipts COURT HOUSE	DATE 12/h/63	Dirition of Celleties and Recipts COUNT HOUSE TOWSON 4, MARYLAND TO: Campbell Building	of Planning & Zening

INVOICE

BALTIMORE COUNTY, MARYSAND No. 04004

INVOICE BALTIMORE COUNTY, MARYLAND

No. 23220

70.00

3-1764 1312 0 232110 TIP-3-1164 1312 0 23211+ 110-IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND IMPORTANT: MAKE CHECKS PAYABLE TOBALTIMORE COUNTY, MARYLAND MAIL TODIVISION OF COLLECTION & RECEIFTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY

Tower, Maryland Date of Posting Lypnil 2 1964

N/s Bellova ave 660' W. Chike ais.

660' W. Clarke live on N. S. Bellowa live

ATTORNEYS AT LAW CAMPBELL BUILDING

TOWSON, MARYLAND 21204

EINNETH C. PROCTOR CARROLL W. ROYSTON H. ANTHONY MUELLER W. LEE THOMAS ELMER L. REEM, JR. R. TAYLOR MALEAN

RICHARD A REID

PROCTOR, ROYSTON & MUELLER

March 12, 1964

Mr. John G. Rose Zoning Commissioner County Office Building

Towson, Maryland 21204

Re: Petition for Reclassification from "R-10" Zone to "B-R" Zone N.S. Bellona Ave., 660' W. of Clarke Ave., 8th District -G. Clyde Andrew, Petitioner.

Please note an Appeal from your Order dated

March 5, 1964, in the above captioned matter, to the County Board of Appeals.

Check for \$70.00, covering costs, is attach-

sincerely yours, Ch roctor enneth C. Proctor.

KCP/lq Encl.-ck.

cc: Richard C. Murray, Esq.

W. LEE HARRISON

\*\*\*\*\*\*

November 13, 1964

County Board of Appeals County Office Building Towson, Maryland

> Re: Petition for Reclassification from "R-10" Zone to "B-R" Zone -N.S. Bellona Ave., 660' W. of Clark Ave., 8th District -G. Clyde Andrew, Petitioner - No. 64-60-R.

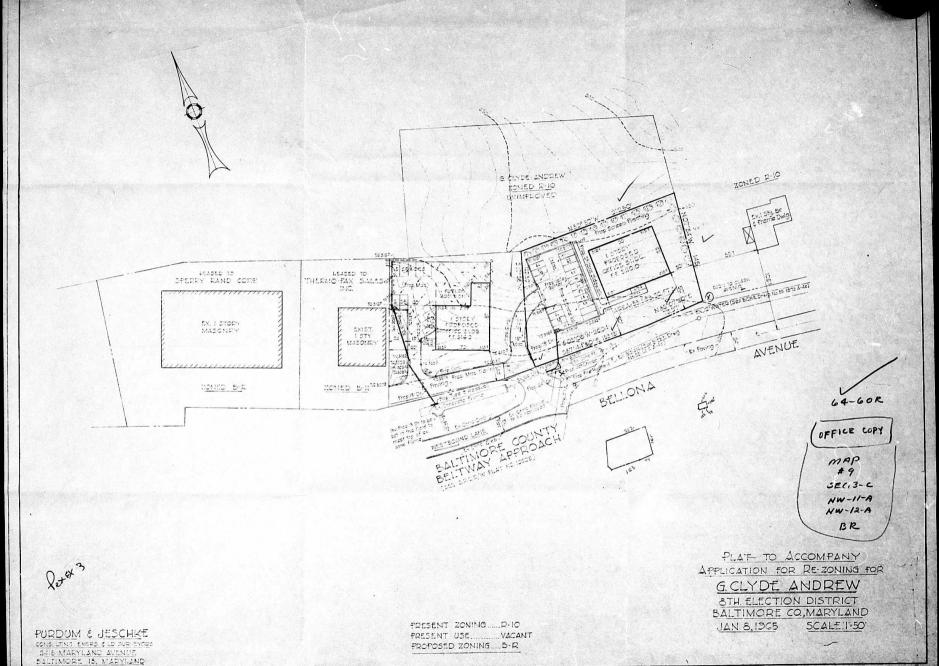
Gentlemen:

THE LOYOLA BLDG.

Please enter my appearance as attorney for the Petitioner, G. Clyde Andrew, in connection with the above captioned case.

Very truly yours,

W. Lee Harrison



 5M-347

