

LIGHTHOUSE ENTERPRISES, INC.

Appellant
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket
7/484/3217

ORDER TO DISMISS APPEAL

MR. CLERK:

Please Dismiss the Appeal heretofore taken in the above entitled matter, upon payment of costs by Appellant.

A. Owen Hennegan
406 Jefferson Building
Towson, Maryland - 21204
Valley 5-7500
Attorney for Appellant

I HEREBY CERTIFY, that on this 31st day of August, 1964, a copy of the foregoing Order to Dismiss Appeal was mailed to: The Baltimore County Board of Appeals, 301 County Office Building, Towson, Maryland - 21204, and to Samuel F. Kenney, Esq., 706 Maryland Trust Building, Baltimore, Maryland - 21202, Attorney for Appellees.

A. Owen Hennegan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 6, 1964

FROM: Mr. George E. Cavallini, Acting Director
Office of Planning and Zoning
SUBJECT: R-4 to R-A Zone - West side of
Rolling Road 900 feet South of Baltimore
National Pike

1st District
HEARING: Wednesday, March 18, 1964 at 10:00 A.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-4 to R-A zoning and has the following advisory comments to make with respect to pertinent planning factors:

1. In making its recommendations for comprehensive rezoning of this portion of the 1st District, the Planning Board recognized the non-residential character of this portion of Route 40W and affirmed or created industrial or commercial zoning here. The intent was to relate those uses to Route 40W. The Planning Board considered the appropriateness of using apartment zoning as a transitional measure between the non-residential and residential uses. In fact, the Master Plan for a time indicated tentatively apartment usage for the Corvey tract across the street. After much discussion the Planning Board decided that apartments were not appropriate and recommended that the Corvey tract be zoned for single family purposes. It would seem that the rationale used by the Board for the Corvey tract would apply equally to the subject property.

RE: PETITION FOR RECLASSIFICATION :
from an R-4 Zone to an R-A Zone,
W/S Rolling Road 900' South of
Baltimore National Pike,
1st District
Lighthouse Enterprises, Inc.,
Petitioner
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-79-R

OPINION

This case is an application for a change from R-4 zoning to R-A of a tract of land on the west side of Rolling Road somewhat south of Route 40 in the Catonsville community. This land has been zoned R-4 since the adoption of the land use map on April 16, 1960. The petitioners desire to construct garden-type apartment houses on the tract.

Between the subject property and U.S. Route 40 is located a shopping center on land that is commercially zoned as is a large part of the Route 40 frontage in the vicinity. The petitioner bases his application on a theory that the original zoning was in error because it denied him "reasonable use of his property", and because there was a reasonable lack of apartment zoning in the map area which fails to meet a basic need for rental housing.

Testimony was presented to show that while traffic conditions are overcrowded at present the situation could be remedied by the widening of Rolling Road, and that although there was no sewerage available when the petitioner bought the property in 1958, the construction of new sewers now under way would solve this problem. The petitioners' expert witness also indicated that he felt that nearby M-L and R-4 Zones might make the subject property objectionable for residential use. The Board can see no reason why such contiguous zoning should be any more objectionable to R-4 development than to other residential use including zoning for apartments.

This application was denied by the Zoning Commissioner and this Board finds, as a fact, that his decision was correct in that the petitioner's case is completely lacking in sufficient evidence to show error in the original zoning or any change in the character of the neighborhood since 1960 enough to warrant rezoning at this time, and further finds, as a fact, that the physical condition of the property and its location present no substantial reason why it cannot be developed as presently zoned under uses as permitted in an R-4 classification.

We have not yet mentioned the protestants evidence which consisted of testimony by a number of property owners in the neighborhood that rezoning here would affect adversely the value of their properties, and that there had been no substantial changes

in the neighborhood, and that this land could very easily be developed for approved R-4 purposes as is most of the adjoining residential property. One of the witnesses for the protestants, Mr. David S. Hyman, a qualified expert witness in the planning field, presented a very impressive testimony to this effect.
The application in this case will, therefore, be denied and the subject property is hereby continued as and to remain in an R-4 Zone.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of March, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, and be 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

G. Mitchell Austin, Chairman
W. Giles Parker
William S. Baldwin

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Lighthouse Enterprises, Inc., legal owner... 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 herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-4 zone to an R-A zone; for the following reasons:

1. Change in neighborhood
2. Error in original map.

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.

Lighthouse Enterprises, Inc.,
By: William Andrew Pres. & Gen. Mgr.
Contract purchaser
Address: 411 Lee Drive, Balto. 28, Md.
Hennegan, Chipman & Kimmel
Petitioner's Attorney
406 Jefferson Building, Towson 4, Md.
Address: Valley 5-7500

ORDERED BY The Zoning Commissioner of Baltimore County, this 1st day of January, 1965, 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 106, County Office Building in Towson, Baltimore County, on the 22nd day of March, 1965, at 10:00 o'clock A.M.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of:

the above Reclassification should be had; and it further appearing that by reason of:

a Special Exception for a... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of January, 1965, that the herein described property or area should be and the same is hereby reclassified, from a... zone to a... zone, and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of: testimony did not indicate that there was any change in the neighborhood, such as would warrant the reclassification of the subject property... The area in question is part and parcel of the residential land adjacent to it so that the County Council was not in error in zoning the property R-4. For the above reasons the above reclassification should not be had. The above recited facts and circumstances are true and correct to the best of my knowledge and belief.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of March, 1964, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain as R-4.

Zoning Commissioner of Baltimore County

HENNEGAN, CHIPMAN & KIMMEL

ATTORNEYS AT LAW
406 JEFFERSON BUILDING
TOWSON 4, MARYLAND

April 6, 1964

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

Re: Petition for Reclassification
Petitioner: Lighthouse Enterprises, Inc.
No. 64-79-R

Mr. Commissioner:

Please enter an Appeal to the Baltimore County Board of Appeals from your Order, dated March 31, 1964, denying the above captioned Reclassification.

Enclosed herewith is check in the amount of \$70.00 to cover costs of said Appeal.

Very truly yours,

Samuel Kimmel
Samuel Kimmel

SK:ml
Encl.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 23235
DATE 4/6/64
Office of Planning & Zoning
315 County Office Building
Towson 4, Md.
TO: Samuel Kimmel, Esq.
Jefferson Building
Towson 4, Md.
REPORT TO ACCOUNT NO. 01.602
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Out of appeal - Lighthouse Enterprises, Inc.
No. 64-79-R
70.00
4-764 2003 • 23235* TIP- 70.00

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 21662
DATE 3/14/64
TO: Lighthouse Enterprises, Inc.
315 Lee Drive
Towson 4, Md.
REPORT TO ACCOUNT NO. 01.602
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Advertising and posting of your property
64-79-R
75.00
3-1764 1321 • 21662* TIP- 75.00

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.

GEG/A

MICROFILMED

TELEPHONE 933-3000		BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWNSON 4, MARYLAND		No. 27522 DATE 10/22/64
TO: Samuel Kimmel, Esq., Jefferson Building Towson 4, Md.		BILL TO: Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.		
EXP. DATE TO ACCOUNT NO. 01-622		TOTAL AMOUNT		
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE			COST
Cost of posting property of Lighthouse Enterprises, Inc. No. 64--79-				\$10.00
FWD - Baltimore County Md. - Office of Finance 106288 0314 • 27522 TRP - 1000				
8				1000

OFFICE OF
THE BALTIMORE COUNTYAN

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - AUGUST
CITY EDITION

64-7

PETITION FOR
RECLASSIFICATION
IN DISTRICT

ZONING From R-6 to R-A
Zone.

LOCATION: West side of Balti-
more Road just South of Baltimore
County line.

DATE: TIME: WEDNESDAY,
MARCH 2, 1964 8:00 A.M.
PUBLIC HEARING: Room 200,
County Courthouse, 111 N.
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
on the application of the
applicant for that parcel of
land in the first District of
Baltimore County.

Beginning for the same on the
west side of Baltimore Road
proposed to be widened to 60
feet at a point about 500 feet
west of the intersection of
the same as measured outward
from the west side of Baltimore
Road, a lot of about 20 acres or
giving more or less, and
containing about 100,000 sq. ft.
of 43.7 foot line to the East line
of the same as measured
along the E. of Baltimore
Rd. 500 feet from the East
line, being the same as
described in the plat
attached hereto.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Bowe, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTYAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for the sum of \$500.
successors wantforber
1964, that is to say
the same was inserted in the figures of
February 23, 1964.

THE BALTIMORE COUNTYAN

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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.

[illegible]

#64-77

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Byer, Chairman
LEADING ADVISORY COMMITTEE

FROM: Capt. Paul H. Reincke
Fire Bureau

SUBJECT: HIGHWAYSIDE FIREHYDRANTS, William Anderson
Tolliver Road, 1/2 mile S. of Valley, National Pike
District 1 - 2/7/64

Date: February 25, 1964

Water mains, meters and fire hydrants shall be of an approved type and installed in accordance with the Baltimore County Standard Design Manual. Spacing of hydrants shall be 500 feet distance apart as measured along an improved road, and within 300 feet from any dwelling. Hydrants shall be located in a pattern approved by the Baltimore County Fire Bureau.

Contact Capt. Paul H. Reincke at Valley 5-7310 for information

64-7
January 10, 1964
Sheet 2
11111

581

Description to Accompany Zoning Petition
from RO to RA William Andrews and Wife
Rolling Road and Old Frederick Road

fifth North 6° 57' 30" East 89.50 feet and sixth South 81° 01' 50" East
147 feet more or less to the west side of said Rolling Road as proposed
to be widened to 60 feet, thence binding on the west side of said Rolling
Road 60 feet wide North 6° 11' 50" East 300 feet more or less to the place
of beginning.

Containing 12.33 acres of land more or less.

Being all of that parcel of land described in a deed dated
October 6, 1958, from Lee W. Wolf et al to Lighthouse Enterprises, Inc.
and filed among the Land Records of Baltimore County in Liber G.L.B. 3428
folio 299 and part of that parcel of land described in a deed dated October
6, 1958, from Henry C. Hoffman et al to Lighthouse Enterprises, Inc. and
filed among the Land Records of Baltimore County in Liber G.L.B. 3428,
folio 296.

concerning above document.

7702/406

FEB 11 1964

CHART OF PLANNING & ZONING

line North 89 degrees 10' 10" West 414 feet
East 50 degrees North 70 de-
grees 46' 50" West 360 feet
part of the balance on the third
c/ North 70 degrees 48' 10"
West 2514 feet line in add
ition to the balance on the third
line and bounding for part of the
balance on the fourth line North 30
degrees 49' 50" West 600.00 feet
line otherwise described in said
dated October 6, 1918, from Lee
W. Wolf et al to Lighthouse En-
terprises, Inc. and filed among
the Land Records of Baltimore
County in Liber G.L.B. 3428
folio 299 at 882.82 inches
bounding on the sixth and seventh
lines in said last mentioned land
and bounding for part of the balance
on the east side of Lee Drive,
10 feet wide South 4 degrees 12'
West 132.00 feet, thence bearing
the east side of said Lee Drive
and bounding on the first, second
and third lines in said last
mentioned deed the three follow-
ing courses and distances viz:
First South 89 degrees 09' East
770.79 feet, second South 4 de-
grees 13' West 47.20 feet and
third North 77 degrees 11' 21"
East 472.82 feet, thence bounding
on the sixth through the tenth
and part of the eleventh lines of
the above first mentioned deed
the six following courses and
distances viz: first South 3 de-
grees 54' 10" West 276.00 feet,
second North 70 degrees 07' East
185.00 feet, third North 76 degrees
20' East 68.28 feet, fourth
North 88 degrees 47' 30" East
120.45 feet, fifth North 6 degrees
42' 30" East 95.50 feet and sixth
South 81 degrees 03' 50" East
187 feet more or less to the west
side of said Polling Road as
proposed to be widened to 60
feet, thence bounding on the west
side of said Polling Road 10 feet
wide North 6 degrees 12' 50"
East 300 feet more or less to the
first of aforesaid.

Containing 12.83 acres of land
more or less.

Being all of that parcel of land
described in a deed dated October
6, 1918, from Lee W. Wolf et
al to Lighthouse Enterprises, In-
c. and filed among the Land Records
of Baltimore County in Liber
G.L.B. 3428 folio 299 and part of
that parcel of land described in a
deed dated October 6, 1918,
Lighthouse Enterprises, Inc. et al
to filed among the Land Records of
Baltimore County in Liber G.L.B.
3428, folio 299.

Being the property of Light-
house Enterprises, Inc., as now
on said plan filed with the Zoning
Department.

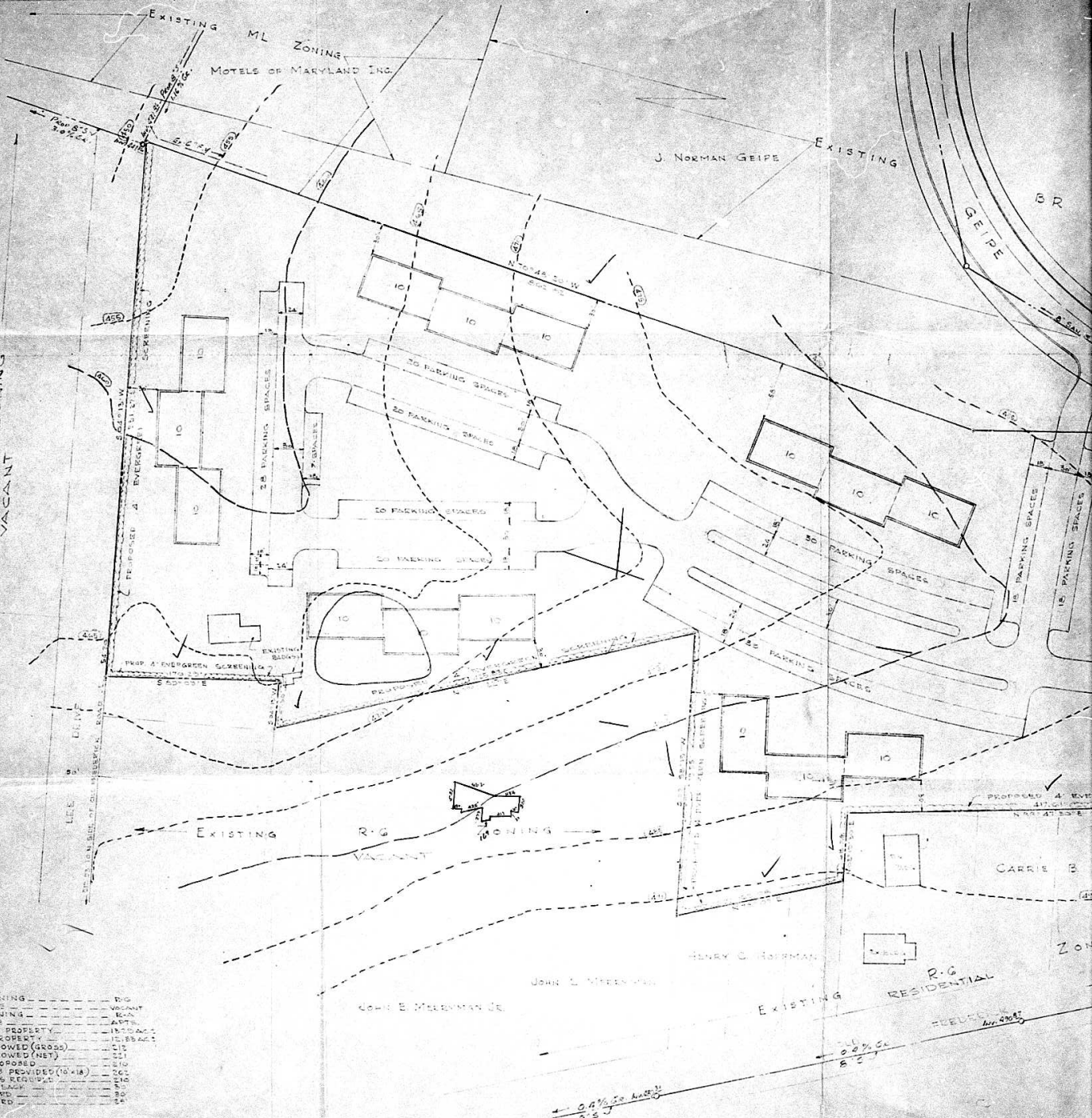
BY ORDER OF
JOHN C. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Feb. 28

TABULATION

EXISTING ZONING	R-G
EXISTING USE	VACANT
PROPOSED ZONING	R-1
PROPOSED USE	APTS
GROSS AREA OF PROPERTY	17.0 AC.
NET AREA OF PROPERTY	15.8 AC.
NO. OF APTS ALLOWED (GROSS)	110
NO. OF APTS ALLOWED (NET)	100
NO. OF APTS PROPOSED	100
PARKING SPACES PROVIDED (10:1)	100
PARKING SPACES REQUIRED	100
MIN. FRONT YARD	10
MIN. SIDE YARD	5

EXISTING R-G ZONING
VACANT



0.4% to 1.0%
8-5

