

DOGWOOD ESTATES, INC. NO. 64-95-R
N/S Old Court Road 158' to centerline
of Dogwood Road 2nd District
Rec. from R-40 Zone to R-20 Zone 54.1 Acres

Feb. 5, 1964 Petition filed
Apr. 23 Rec. GRANTED by D.Z.C.
May 19 Order of Appeal to County Board of Appeals
June 11, 1965 Order of Board DENYING reclassification

DENIED

#64-95-R
WESTERN
AREA
SEC. 1-B
R-20
Carville M. Downes, Esq.
202 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Sirs:

Petition for Reclassification from
SUBJ: R-40 to R-20 for Dogwood Estates, Inc.

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:
The plan proposed a development of 92 dwelling units with only one 10-foot wide driveway. This is not considered to be a good design insofar as the safety and welfare of the public is concerned.

TRAFFIC DEPARTMENT: The plan lacks an alternative access

BUREAU OF ENGINEERING: Old Court Road is now a State owned Road, however, the County may take responsibility of improvements to this road in the near future. If this happens a 70 foot R/W will be required.

HEALTH DEPARTMENT: The sewage disposal system will be subject to approval of this department.

STATE ROAD COMMISSION: Will review and comment if necessary

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: No comment

INDUSTRIAL DEVELOPMENT: No comment

BUILDINGS DEPARTMENT: No comment

BOARD OF EDUCATION: No comment

cc: Albert Odell - Office of Planning & Zoning
George Edgar - Bureau of Eng.
Thomas Devlin - Health Dept.
John Henry - State Road Commission
JED/as

Yours very truly,

James C. Price
JAMES C. PRICE

RE: PETITION FOR RECLASSIFICATION
from R-40 Zone to an R-20 Zone,
N/S Old Court Road, 158' from
Dogwood Road,
2nd District
Dogwood Estates, Inc.,
Petitioner
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-95-R

OPINION

A petition to reclassify some fifty-five (55) acres of land on Old Court Road near Dogwood Road in the Second Election District from an R-40 Zone to an R-20 Zone was granted by the Deputy Zoning Commissioner.

A protestant appeals to this Board.

The Western Area Comprehensive Zoning Map became effective in November, 1962. At that time, the subject property was zoned R-40. The use was rural with an occasional residence. Conditions are substantially the same in this area. There appear to be no large subdivisions, such as the one planned for this land. There is no public sewer or public water, and no extension of such utilities to the area is presently contemplated.

The land has recently been farmed, as is other land in the neighborhood, and the topography is relatively flat. No particular use situation or problems peculiar to this land was advanced as a basis for the Board finding a mistake in the comprehensive zoning. The testimony suggests that the reclassification should be granted because better use can be made of the land with smaller lots for the following reasons:

1. Subdivision costs are greater per lot in an R-40 Zone than in an R-20 Zone;
2. Long range needs of an expanding population will require smaller lots;
3. Instances of small size residential lots have not hurt the community.

David W. Dallas, Jr.

Civil Engineer

8713 OLD HARFORD ROAD

NORTHFIELD 5-7422

ZONING DESCRIPTION

R-40 to R-20

BEGINNING for the same on the northwestern side of Old Court Road at a point distant 138 feet more or less easterly from the point formed by the intersection of the northwestern side of said Old Court Road and the center of Dogwood Road, thence binding on the northwestern side of said Old Court Road as shown on State Roads Commission Plat No. 46 westerly by a line curving to the south with a radius of 3528.02 feet for a distance of 985.89 feet more or less, thence leaving said road and running with and binding on a part of the seventh, the eighth, first, second and part of the third lines of that tract of land which by deed dated September 18, 1946 and recorded among the Land Records of Baltimore County in Liber RMO No. 4205 folio 395 etc. was conveyed by Irvin P. Trail to Dogwood Estates, Inc., the following courses and distances north 4 degrees 30 minutes west 7845 feet, south 85 degrees 30 minutes east 1790.61 feet, south 46 degrees 15 minutes west 390 feet, south 17 degrees 00 minutes west 825 feet and south 13 degrees 15 minutes west 796.4 feet to the place of beginning.
CONTAINING 54.1 acres of land more or less.
BEING all of that tract of land which by deed dated September 18, 1946 and recorded among the Land Records of Baltimore County in Liber RMO No. 4205 folio 395 etc. was conveyed by Irvin P. Trail to Dogwood Estates, Inc.

December 26, 1965

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, DOGWOOD ESTATES, INC., legal owner... of the property situate 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-40 zone to an R-20 zone; for the following reason:
For that according to the studies of registered engineers, it is economically unfeasible to construct homes of 40,000 square feet per lot; and that the character of the neighborhood is such that an R40 zone is unrealistic and impractical and would result in a confiscation of the property by the zoning authorities; and that there was an error made in the original zoning for the reasons above stated,

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.

Dogwood Estates, Inc.

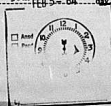
by: Carville M. Downes Legal Owner

Address: Suite 253 Equitable Building
CHURCH AND FAYETTE STREETS
Baltimore, Maryland 21202

by: Carville M. Downes Petitioner's Attorney

Address: Downes & Wheatley
103 W. Pennsylvania Avenue
Towson, Md. 21204 945-2507

ORDERED By The Zoning Commission of Baltimore County, this 5th day of February, 1966, 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 30th day of March, 1966, at 2:00 o'clock P.M.



These reasons seem to address themselves to over-all planning rather than to deprivation of the use of the particular land. In other words, the Board does not find and does not believe that there is any valid basis upon which the requested reclassification may be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of June, 1965 by the County Board of Appeals, ORDERED that the reclassification 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

William S. Baldwin, Chairman

R. Bruce Alderman

Paul T. McHenry, Jr.

PARKS & PARKS
ATTORNEYS AT LAW
111 W. Chesapeake Avenue
Towson 4, Maryland

May 18, 1964

Mr. John G. Rose,
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RE: PETITION FOR RECLASSIFICATION
R-40 Zone to an R-20 Zone
N/S Old Court Road, 158' from
Dogwood Road - 2nd District
Dogwood Estates Inc. - Petitioner
#64-95-R

Dear Mr. Rose:

Please enclose an appeal from the Order of the Deputy Zoning Commissioner of April 23, 1964.

I enclose my check in the amount of Eighty Dollars (\$80.00).

Very truly yours,

H. Engle Park

PETITIONER

HEP:eam
Enclosure 1
cc: Carville M. Downes, Esquire
202 W. Pennsylvania Avenue
Towson, Maryland 21204

64-95-R

2nd

District: _____ Date of Posting: June 4 1964

Posted for: APPEAL

Petitioner: DOWNWOOD ESTATES, INC.

Location of property: N/3, old Down Rd. 150' to DOWNWOOD AVE.
DOWNWOOD Rd.

Location of Sign: N/4, old Court Rd. at DEAD END of DOWNWOOD Rd.
(N/4, old Court Rd. 350' W. of DOWNWOOD Rd.)

Remarks: J.S. Boser Date of return: June 4 1964

Posted by: _____ Signature

2 signs

#64-95-3

District _____ Sub-_____ Date of Posting: March 14, 1964
 Posted for: Section for MacGinnis Location from Red Sea to 3000
 Position: Assigned MacGinnis, Mac
 Location of property: W/O old Brown Mt. ASP to center line of Brown Mt.
 Location of Sign: Sign 10000 ft. on W/O old Brown Mt. @ approximate end of
Assigned MacGinnis W/O old Brown Mt.
 Remarks: J. L. Brown
 Posted by: MacGinnis Date of return: March 18, 1964
 2 signs

THE BALTIMORE COUNTIAN

March 16, 1964.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County
was inserted in THE BALTIMORE COURTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One Week ~~between~~ before
the 10th day of March, 1964, that is to say
the same was inserted in the issues of
March 13, 1964.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

INTER-OFFICE CORRESPONDENCE

TO: Mrs. John G. Rose, Zoning Commissioner Date: March 20, 1964
FROM: Mr. George E. Carvalls, Acting Director
SUBJECT: 64-05-2, B-10 to B-20, North side of Old Court Road 158 feet to centerline of Dogwood Road. Being property of Dogwood Estates, Inc.
2nd District
HEARING: Monday, March 30, 1964 (2:00 P.M.)

Demands on the writer's time have made it impossible to prepare written comments regarding the subject petition within the time period required by law. Members of the Planning staff will be available to testify orally at the hearing if desired.

No. 21588

RATE 2/50

To: Messrs. Demmes & Wheatley
202 W. Penna. Ave.
Towson, Md. 21204

BILLED BY: Sewing Department of
Baltimore County

REPORT TO ACCOUNT NO.	03/82	DATE
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
QUANTITY		COST
Petition for Reclassification for Degraded Relative, Dm.		\$0.00
FAD - Baltimore County, Md. - Office of Family		
4-664 884 • 2158 • TP-		\$0.00

**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.**

4-95

TOWSON, MD. March 22, 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on the 13th day of March, 1964, at the rate of \$1.00 per week.~~ successive weeks before the 30th day of March, 1964, the first publication appearing on the 13th day of March 1964.

THE JEFFERSONIAN,
W. L. Smith
Manager.

Cost of Advertisement, \$.....

No. 21691

DATE 4/2/82

TO: Messrs. Downes & Wheatley
202 W. Penna. Ave.
Towson 14, Md.

BILLED BY: Zoning Department of
Baltimore County

01622		000000
EXPEND TO ACCOUNT NO.		COST
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE.	
—	Advertising and posting of property for Deceased Estates, Inc.	16.00
	63-95-8	
	PAID — DeWitt County, Mo. — Office of Treasurer	
	6-164 1873 * 21691* 11P-	18.00
3		

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.

No. 23263

5/20/14
10:00 AM

TO: H. Emilio Pardo, Esq.,
1 Charles Center
Boston, Mass.

BILLED BY: Office of Planning & Zoning
129 County Office Bldg.,
Towson, Md.

Bellevue, Maryland		TOTAL AMOUNT
REPORT TO ACCOUNT NO. <u>01-688</u>	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
CHARGE TV		
		<u>\$70.00</u>
Cost of appeal - Deemed Ration, Inc.	2 sign	<u>20.00</u>
No. 44-95-R	PAID - By Treasury Department	<u>\$90.00</u>
5-2164 4 2 3 6	23263* TIP -	\$0.00
3164 4 2 3 6	23263* TIP -	\$0.00

3
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.

