

W. BYRCE SMITH and
ALICE L. SMITH, his wife
115 Sudbrook Lane
Pikesville, Maryland 2108
Petitioners-Appellants

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

WILLIAM S. BALDWIN,
W. GILES PARKER and
H. BRUCE ALDERMAN, being
and constituting the County
Board of Appeals of Baltimore
County,
Appellees

Misc. Docket 8, folio 57
Case No. 3460

ORDER OF COURT

For the reasons set forth by the Court in its oral opinion delivered in open Court on the 9th day of June, 1966, it is ORDERED that the decision and Order of the County Board of Appeals of Baltimore County be and the same is hereby reversed, and it is further ORDERED that the property described in the description filed in these proceedings, prepared by Mats, Childs & Associates dated June 12, 1964, be and the same is hereby reclassified from "R-6" to "R-A" and a special exception for offices be and the same is hereby granted, subject to the conditions that fifteen feet of the existing hedge at the west edge of the said property be removed and the entrance on Sudbrook Lane be located as shown on plat of Dr. W. Worthington Ewell which was filed in these proceedings as an exhibit of the Board of Appeals, and to approval of the plat plan by the Bureau of Public Services and the Office of Planning and Zoning.

/s/ John Graeson Turnbull,
Judge

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Alice L. Smith, his wife
t, or we, W. Bryce Smith and Alice L. Smith, 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-6" zone to an "R-A" zone; and for the following reasons:
(1) Error in the adoption of the Third District Map.
(2) Changes in the character of the general neighborhood.
(3) And for other and further reasons as may be shown at the hearing hereon.

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... offices.

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, and we agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address: 115 Sudbrook Lane
Pikesville 8, Maryland
Michael Paul Smith
Petitioner's Attorney

Address: 101 Jefferson Building
Towson 4, Maryland
ORDERED BY The Zoning Commissioner of Baltimore County, this 7th day of April, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of May, 1966, at 10:00 o'clock.

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-A zone,
and SPECIAL EXCEPTION for Offices
5675 Sudbrook Lane 847 West
of Reisterstown Road,
3rd District
W. Bryce Smith, et al
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-157-RX

OPINION

The petitioner here seeks a reclassification from an R-6 zone to an R-A zone of a tract of ground of 1.7 acres situated on the south side of Sudbrook Lane 847 feet west of the Reisterstown Road in the Third District of Baltimore County. He also requests a special exception to permit the construction of an office building on the property. If the rezoning and special exception are granted the petitioner proposes to erect a two-story office building with 10,000 square feet of space per floor, and off-street parking for sixty-seven (67) vehicles.

The zoning around the subject tract is as follows: On the north side of Sudbrook Lane, opposite the subject property, is a large tract of R-A which is the property of the St. Charles Church, School, and Convent. All of the property to the west and south of the subject tract is zoned R-6. The land east of the subject tract, between the subject tract and Reisterstown Road, is zoned R-6 to the rear of the Business-Local zoning approximately 150 feet in depth on the west side of Reisterstown Road.

The petitioner testified that there is a great need for professional office buildings with adequate off-street parking in the Pikesville area and cited this need as one of the main reasons for his request. The need for additional offices is virtually undisputed; the only real question is whether or not this location is a proper one for reclassification for use as an office building. The need for office space was substantiated by Mr. William D. Wells, who is President of a company which is currently constructing an office building at 7 Church Lane, and his testimony indicated that the reception to his proposed building is excellent. Bernard Willmetts, a noted expert in the field of land planning, testified that he felt the map adopted by the County Commissioners in 1957 was in error in that the Commissioners should have zoned the south side of Sudbrook Lane R-A, the same as the north side, and that he felt that Sudbrook Lane is an erroneous line of division between the R-A to the north and the R-6 to the south. There has been very little, if any, change in the character of the neighborhood since the adoption of the map. M. Willmetts cited only two cases in his testimony: the special exception granted for the construction of a Post Office building at 7 Church Lane, and a special exception granted for the construction of a Post Office building in the area. There have been virtually no zoning reclassifications within a half-mile of the subject tract since 1957.

W. Bryce Smith - #64-157-RX

The protestors object generally to any reclassification and to office construction in the neighborhood stating that there have been no changes in the neighborhood since the adoption of the map with the exception of the expansion of the facilities on the property of the St. Charles School and Convent. This, to the Board, does not appear to be a sufficient change to warrant the rezoning here.

Since there have been virtually no changes in the character of the neighborhood, in the Board's mind, would justify the reclassification the petitioner must rely on showing error in the map with regard to his property. With regard to error, the Board feels that Mr. Willmetts' testimony would have a great deal more weight if the subject petition encompassed all the property on the south side of Sudbrook Lane opposite the R-A property on the north side; that is, from the rear of the commercial on the west side of Reisterstown Road to the western boundary of the petitioner's property which is approximately opposite Glenbrook Road, the western boundary of the R-A zone across Sudbrook Lane. However, at this time to leap over the seven intervening properties and reclassify this 1.7 acre tract in the center of an existing R-6 development would, at best, be premature. It is obvious to the Board that the neighborhood has retained the same general character that it had in 1957 at the time of the adoption of the map by the County Commissioners. Had the Commissioners seen fit in 1957 to zone the south side of Sudbrook Lane like the north side we would be unable to find any fault with their action. However, apparently they felt that Sudbrook Lane was a logical dividing line and we cannot find sufficient evidence to overcome the presumption of the correctness of their action.

There was some dispute in the testimony regarding traffic and sight distances. However, since the Board feels the reclassification should be denied, there appears to be no reason to comment on this subject.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of January, 1966 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

RE: PETITION FOR RECLASSIFICATION
from "R-6" Zone to "R-A" Zone -
5. E. Side Sudbrook Lane 847
W. Reisterstown Road, 3rd Dist.
W. Bryce Smith and Alice L. Smith, Petitioners -
Special Exception for Offices
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-157-RX

The petitioner has requested that certain property be rezoned from "R-6" Zone to "R-A" Zone. The original petition encompassed too much land and at the request of the Zoning Commissioner a new description was prepared by Mats, Childs & Associates, dated June 12, 1964, and was considered at a final hearing on June 19, 1964. This description described the land to be considered for reclassification from "R-6" Zone to "R-A" Zone.

In addition thereto a new plat prepared by Mats, Childs & Associates, dated June 13, 1964, was submitted and considered on June 19, 1964, to consider whether or not a special exception covering property described in the new description should or should not be granted.

The first 100 feet on the north side of Sudbrook Lane proceeding westerly from Reisterstown Road is zoned "R-6", the remainder is zoned "R-A" to Glenbrook Road. This leaves the residential property on the south side of Sudbrook Lane in an unfavorable position as far as use is concerned. Basically the map is in error, and the proper solution would be to zone the south side "R-A", the same as the north side of Sudbrook Lane. However, the Zoning Commissioner can only consider what is before him and it would seem logical to zone the subject property "R-A" with the expectancy of a change in the near future of other property between the subject property and Reisterstown Road to "R-A".

For the above reasons the property described in the following description prepared by Mats, Childs & Associates, dated June 12, 1964 should be granted:

BEGINNING for the same at a point on the southeast side of Sudbrook Lane, 60 feet wide, at the distance of 847 feet, southeasterly as measured along said southeast side of Sudbrook Lane from the intersection with the southeast side of Reisterstown Road, said point of beginning being the beginning of the land, which by deed dated April 18, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3182; thence S 26° 12' E 226 feet to corner of Laura A. Johns, widow, to W. Bryce Smith and wife, running thence on the southeast side of Sudbrook Lane

W. Bryce Smith - #64-157-RX

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

H. Bruce Alderman

RE: PETITION FOR RECLASSIFICATION
from "R-6" Zone to "R-A" Zone -
5. E. Side Sudbrook Lane 847
W. Reisterstown Road, 3rd Dist.
W. Bryce Smith and Alice L. Smith, Petitioners -
Special Exception for Offices
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-157-RX

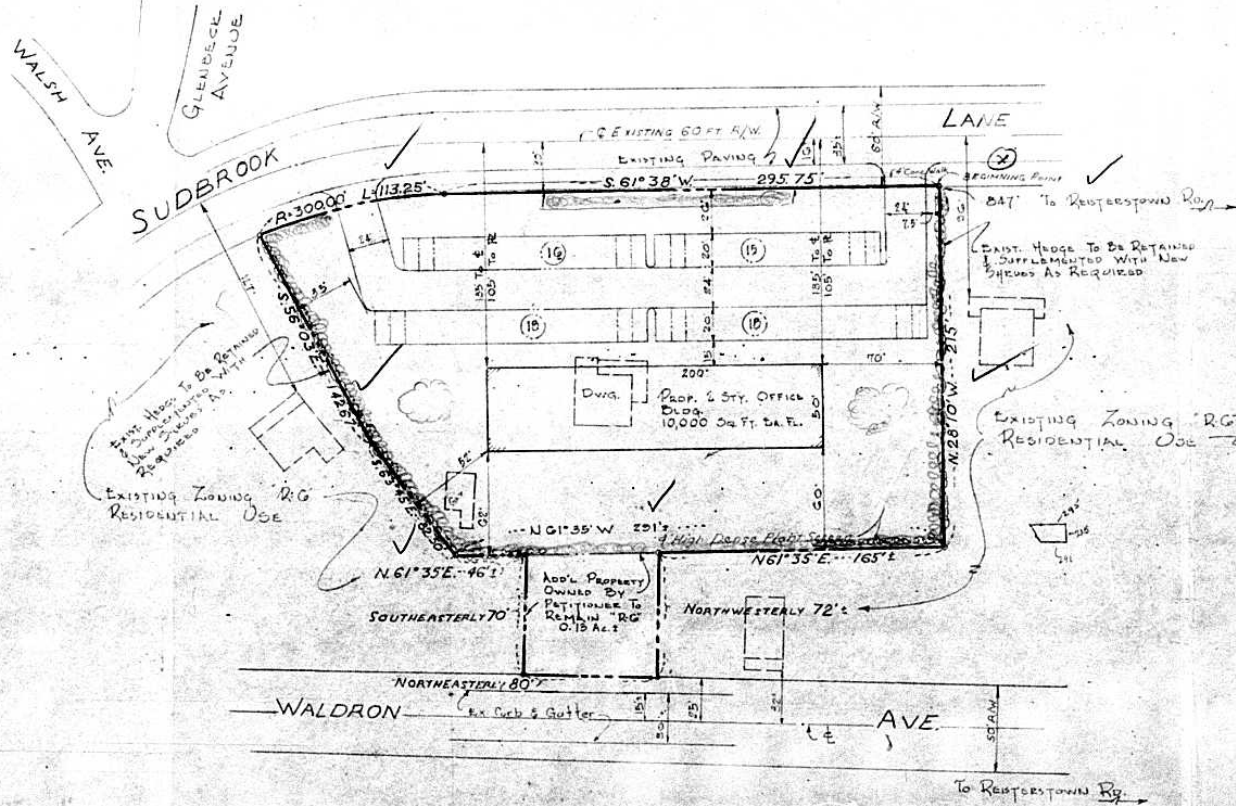
APPEAL

Mr. Clerk:

Please enter an Appeal from the Order of the Zoning Commissioner entered in this case on June 19, 1964, on behalf of Raymond English, John A. Collom, and Irwin S. Eigenbrun, the Protestants herein.

Raymond English, Jr.
1708 Hunsey Building
Baltimore, Maryland 21202
Attorney for Protestants





Info on
road map

PA. Ep "a"
#64-157RX
MAP #3
SEC. 2-C
NW-7-F
RA-X



GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 1.866 AC.
2. AREA OF TRACT REQUESTING RECLASSIFICATION EQUALS 1.736 AC.
3. PRESENT ZONING OF TRACT --- R-G
4. PRESENT USE OF TRACT --- RESIDENTIAL
5. PROPOSED ZONING OF TRACT --- R-A WITH SPECIAL EXCEPTION
6. PROPOSED USE OF TRACT --- MEDICAL & DENTAL OFFICE USE
7. BUILDING AREA PER FLOOR --- 10,000 SQ. FT.
8. REQUIRED OFF-STREET PARKING (9x20) = 1 SPACE PER 300 SQ. FT. AREA = 67 UNITS
9. PROPOSED OFF-STREET PARKING (7x20) = 67 UNITS
10. EXISTING STRUCTURES ON PROPERTY SHALL BE REMOVED

FOR
RECLASSIFICATION AND SPECIAL EXCEPTION
VICINITY
SUDBROOK LANE AND GLENBECK AVENUE
ELECTION DISTRICT 3 BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50'
MARCH 12, 1964
REVISED: JUNE 13, 1964



MAIZ, CHILDS & ASSOCIATES
2429 N. CHARLES STREET
BALTIMORE, MARYLAND
REGISTERED PROFESSIONAL ENGINEERS
C.E.M. I.R.C.S.

