REFORE COUNTY BOARD OF APPEALS OF

> RAI TIMORE COUNTY No. 64-166-R

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Ave., SW of Bal'

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OPINION

This case comes before the Board on the petition of the B.Z.M. Corporation for reclassification of the above referenced property from its present R-10 classification to R-A for the proposed development of the land with some one hundred and fifty-four (154) apartment units. This tract, consisting of approximately eight and one half acres, is bounded on the northeast by the Baltimore County Beltway, on the southwest by the R-10 development known as Kendale Heights, this development being somewhat hilly typagraphically and lying between an irregular rectangle formed by Wilkens, Paradise, Sylvanside Avenues and Kenwood Road. To the northwest the property is bounded by a small tract of land which is presently owned by the State Roads Commission. On the southwest of the property is a very large tract of land owned by the State of Maryland, a large portion of which is presently occupied by the Spring Grave State Hospital. It is also the intention and, in fact, the concrete plan of the State to develop a portion of this property with the new University of Maryland campus. In order to grant the reclassification sought by the petitioners in this case it would be necessary for the Board to find either error in the original comprehensive land use map which was adopted by the County Council on April 15, 1960, or to find changes since the adoption of the map which would have affected the subject property so as to warrant its reclassification to R-A.

As far as the question of "change" is concerned, some testimony was offered by the petitioners showing a reclassification, since the adoption of the land use map, of property located at Smithwood and Frederick Roads, said reclassification being from R-6 to R-A; and a reclassification of the property located at Spring Grave Lane and Mellar Ave. from R-6 to R-A, also since the adoption of the map. In the case of the former property it is located approximately three miles away from the subject tract, and in the case of the latter approximately one mile away from the subject tract, the latter property is also a very small area and not yet developed. It is the feeling of the Board that neither of these changes have affected the subject property so as to warrant the reclassification requested.

As to the question of "error", the petitioners have offered a unique theory and argument that there has been such a change in the overall aspect of this area due to the decision to locate a large University of Maryland complex almost "across the street" that the lack of knowledge or foreseerbility of this factor at the time of the adoption of the

*64-166 R

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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING TOWSON & MARYLAND

SE1.2-A

4 The Zoning Advisory Committee has reviewed the subject petition and makes the following comments: 5/25/64

Ascess via Paradise and Sylvanside Avanues is totally inadequate for of development. Comments on the interior layout are withheld because adequate of the approach roads.

RURAU OF EMDIESRIBUS The bureau of engineering is in agreement with the comment made by the Traffic Department. A study must be node to determine the feasibility of improving the approach roads to meet the standards for development of this density. Utilities are available to this sits.

No comments from Health, Buildings, School Board, Office of Planning & Zoning, R & R Commission, Industrial Commission.

-Romean of Engineering

Yours very truly,

B.Z.M. Corp. - No. 64-166-R

map in April, 1960 would constitute sufficient error in the adoption of the land use map to arrant reclassification of the subject property. In addition to this the petitioners have sought to establish error by testimony that the original western area land use map failed to provide for adequate apartment acreage, to provide for projected rental housing needs. One of the witnesses for the protestants even testified that he felt there would be need for additional apartments in the future in this area particularly in view of the establishment of the new University of Maryland campus. George E. Gavrelis, the Director of Planning, also testified that the Office of Planning recognized that there would be need for additional apartments in this general area but testified further that the subject site is not a logical or appropriate location for the establishment of apartment zoning. Mr. Gavrelis testified that the subject property did not meet any of the locational criteria deemed necessary, from a planning viewpoint, for apartment zoning. Mr. Gavrelis also testified that the new guide plan for the western area recommends new apartment zoning in areas that do meet the locational criteria. It is the opinion of the Board that the subject property was not erroneously zoned on the western area planning map but that it was properly zoned R-10 enther than R-A.

There was, of course, additional testimony to show problems involving traffic in the area surrounding the subject property, and particularly on Paradise and Kenwood Avenues which would be intensified by the granting of the subject petition.

The petitioners have also sought to prove that development of the sub-ject property under an R-10 classification would be prohibitive because of the high "per lot" cost that would be invalved. It is almost uncanny to note the similarity between the two R-10 subdivision plats that were affered in evidence, one prepared by an engineer for the petitioners (petitioners' exhibit *5), and the other prepared by an engineer for the protestants (protestants' exhibit "C"). Two qualified engineers and land surveyors, working completely independent of each other, came up with proposed plans for R-10 development that were almost identical. There was, however, a marked difference in the testimony of the engineers as to the "per lot" cost of development. It is the feeling of the Board, after reviewing all of the engineering testimony, that the cost of residential development would not be prohibitive on a "per lot" basis. However, it might also be well to point out that the subject property, although presently classified R-10, enjoys two special exceptions which were previously granted through the zoning process; one for a nursing home and the other for a research institute. The petitioners in this case certainly did not satisfy the Board as to the impossibility of development of the subject property for either of these two uses permitted under their special exceptions. For the foregoing reasons, the petition for reclassification is denied.

ROPERTY DESCRIPTION

FOUNTAINMEAD CENTER

ALL TUAT PIECE or parcel of land situate, lying or being in the First Election District of Battimore County, Maryland, and described as follows:

Does, to viti Depleting for the same at a point on the anothwest stile of a wite of the point of the same at a point on the anothwest stile of a wite of the same at the control of the point of the poi

1961, and recorded smoong the aforesaid land records in Liber J. H. L. No. 51. Follo 357, was conveyed by topkir G. Land to Meria L. White, thence bindle on said outline, North 13 46' East 465.00 feet to a point 62.00 feet from the

on said cettine, North, 137-65 East 465,00 feet to a point 62,00 feet from the said of the last line of the advantad conveyance to The Meanment Reality buryonation and on the settinest side of the natitioner County Beitman at shown on the State Forder Path No., 10664 opposite Saidon 256 4-91,013, thence, blosting on the scatty-set side of said Publishers County Heistman parallal to the publisher of the State S

Saving and excepting all rights for stream change as shown on the laren, at Area for Aream Change as shown on the State Reads Commission Flat No. 10694.

taing a part of the parest of land which by deed dated October 12, 1962, and recorded among the Land Records of Saltinore County is Liber R. R. G. No. 1993, Folio 121, was conveyed by The Kel-Bon Corporation to

SAID pipe being approximately 800' westerly from the North side of Wilkens Ave.

Containing 3.6 acres of land more or less

Propaged ber James S. Spanier & Associates

#64-166R

(MAP-

B.Z.M. Corp. - No. 64-166-R

ORDER

of October, 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.

OF BALTIMORE COUNTY

- 3 -

For the reasons set forth in the aforegoing Opinion, it is this 7 th

COUNTY BOARD OF APPEALS

PETITION FOR ZONING RE-CLASSIFICATION, 4-166 R AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

B.Z.M. Corporation legal owners, of the property situate in Ballim County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the noning status of the hereof indearth-of-more indearth-of-more indearth-of-more indearth-of-more hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant zone to an 1/25/64 to the Zoning Law of Baltimore County, from an R-#0 R-A ____zone; for the following reasons:

That the Land Use map adopted for the acre is in resonant.
 That the property is not physically copable of development in an R-4D zone thereby creating a substantial braking to your Petitioners.
 That there has been substantial change in the neighborhood since the adoption of the Land Use map.

3. Intel There has been substantial change in the neighborhood since the adoption of the Land Use not the according to subject property.
4. That the property any best be developed for residential operations and that such development as a constant of aboversity of the surrounding property and community and that containly it development as such would be beneficial to the community and that there exists in the area a substantial need for R-A zooling which was improperty omitted on the lend use may for the First Election District. See Attached Description

CHRISTISK PROGRESS CONSTRUCTOR PROGRESS PROGRESS CONTROL OF THE PROGRESS PR

Property is to be posted and advertised as prescribed by Zoning Regulations. l, 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 regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Maryal Re Balto - 8 - no The & Herry 1 1311 Didelity Bldg

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd

of April , 196_4, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughnore 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 10th County on the day of June 1964 at 2:00 o'clock PAN 198 22 64

Y20

B. Z. M. CORPORATION re, Maryland 21208



June 16, 1964

Mr., John G., Rose, Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

Re: Petition for Reclassification from an R-10 Zone to R-A Zone - NE/S Paradise Ave. SW Balto. Co. Beltway, 800' N.W. of Wilkens Ave., 1st District - B.Z.M. Corporation, Petitioner No. 64-166-R

Please enter an Appeal from your decision dated June 10th, 1964 denying reclassification of the above property for the Petit B. Z.M. Corporation.

> Very truly yours, Oscar I. Zerwitz, Preside B. Z.M. Corporation

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.... IT IS ORDERED by the Zoning Commissioner of Baltimore County this.... 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 ports as the petitioner failed to prove error in the zoning map or that sufficient change had taken place to warrant the requested zoning the reclassification should not be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1974 198k..., that the above re-classification 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 an "R-10"

MICROFILMED

BALTIMORE COUNTY, MARYLAND #64-16612 INTER-OFFICE CORRESPONDENCE Date__ Hay 12, 1964 TO Nr. James A. Dyer, Chairman Zoning Mavisory Cornilles FROM Capt. Paul H. Reincke SUBJECT B.L.M. Corporation Sp. 18. Wilkens Ave. 18. District 1 5/8/64 501.2-A RA 5/25/64 The existing approach roads to the proposed spartment development adequate in width to provide for additional population density. Contact Capt. Paul H. Reincke at Valley 5-7310 for information relative

BALTIORE COUNTY, MARYAND No. 23055 DATE 6/26/64 TELEPHONE OFFICE OF FINANCE irision of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

90.00 Paris and the same 6-2664 > 801 • Z3055 TIP-

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

CERTIFICATE OF

CHIGINAL 64-166 OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS

OWILERS AVERSE.

DATE & TIME: WEDNESDAY.
JUNE 10, 1964 at 2:00 P.M.
PUBLIC HEARING: Room 106.
County Office Building, 111 W.
Chesspeake Averse. Towson,

other 8.6 acres of la

CATONSVILLE, MD.

May 25, 1954. THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Paltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Mary-One Week wastesske wastesbefore land, once a week for 1964, that is to say the 25th day of May, the same was insorted in the issues of

May 22, 1964. THE BALTIMORE COUNTIAN

By Paul J. Morgany

~ rulson

No 18, 1964

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING

Petition for Meclassification SUBJECT: #61-166-P

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

TRAFFIC: Access via Faradise and Sylvanside Avenues is totally inadequate for this type of development. Communic on the interior layout are withheld because of the inadequaty of the approach reads.

REEAU OF ENDERGIBES The burses of engineering is in agreement with the comment made by the Traffic Department. A ctudy must be made to determine the feasibility of injurying the approach roads to meet the standards for development of this denity. Utilities are evaluable to this site.

FIRE DEPARTMENT: See Attached Comment.

No comments from Health, Buildings, School Board, Office of Planning & Zoning, R & R Corrission, Industrial Commission.

oc: Cilbert Helson-Traffic

Yours very truly,

James E. Dyer
Chief of Permit and Petition
Processing

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Kr. John C. Rose, Zoning Courdsnioner Date May 20, 1964.

FROM Mr. George E. Cavrelie, Acting L. rector

SUBJECT #69-166-R. R-10 to R.A. Northeast side of Paradise Avenue, Southmest of Baltimore County Baltacy 200 feet Northwest of Wilkons Avenue. Being property of R.Z.M. Corporation.

1st District HEARTMO.

Wednesday, Jures 10, 196h (2:00 P.H.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-10 to R-A zoning and les the following advisory comments to rake with respect to portionst planning factors:

- Although the subject property is adjacent to the Ballway, it does not have direct and effective con-cate with any kind of road which would give it proper access for spart-ent use. From a planning risepoint, the subject property does not meet any of the locational criteria decad mossassy for spart-ent coning.
- With respect to original zoning, the planning staff lindy believes that the R-10 zoning is correct and that no changes in the physical cherecter of the gras or the manner of land wage in the area have occurred which would justify spartness zoning

Date of Posting MAY 23 1964

Date of return May 771964

64-166-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNT

CERTIFICATE OF POSTI

Posted for: REGIASSIFICATION from R-10 To RA

800' NW OF WILKENS AUL

Remarks:

District. 15T

(2 W DEAD END SYLANSIDE AUE

O DEPARTMENT OF BALTIMORE CO

Location of property: NE/S PARADISE AUX., SW. OF BALTO CO BELTWAY

Location of Signe N DEAD END PARADISE AUE FROM WILKENS AVE

Towson, Maryland

Date of Posting July 2, 1964

Posted for: APPEAL Petitioner B.Z.M. CORPORATION Location of property NE/S PARADISE AUE SW OF BACTIMORE COUNTY

BELTWAY Seo' NW WILKENS AVE. Location of Signs: O DEAD END SYLVANSIDE DR. @ N DEAD END

PARADISE RUE (WILKENS AVE SIDE) INTERSECTION HERBERT RUN AND PRIVATE ROAD.

S. Bosse

No. 23349

DATE 1/23/G

BARINORE COUNTY, MARY AND TELEPHONE 823-3000 OFFICE OF FINANCE

50.00 4-2364 2787 . 23349. TIP-0000 4-2364 2767 . 2:349= 11P-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4 PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITT

BALTIMORE COUNTY, MARY ND OFFICE OF FINANCE

irision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

\$85.00 0-2364 > 6 6 4 . 23286 TIP-85.00 23286 TXP-8500

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.

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND



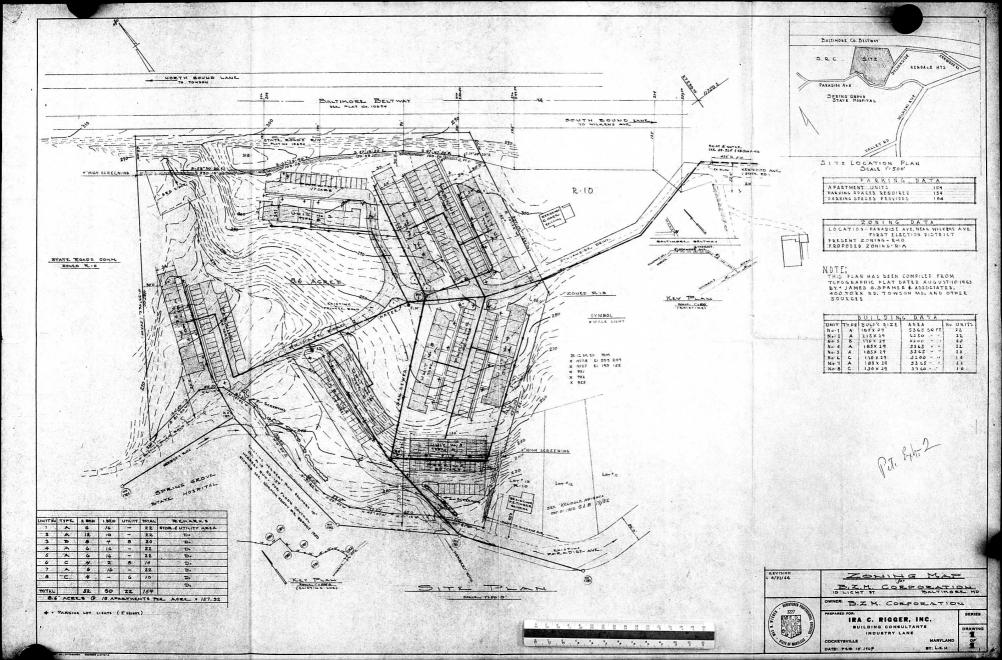
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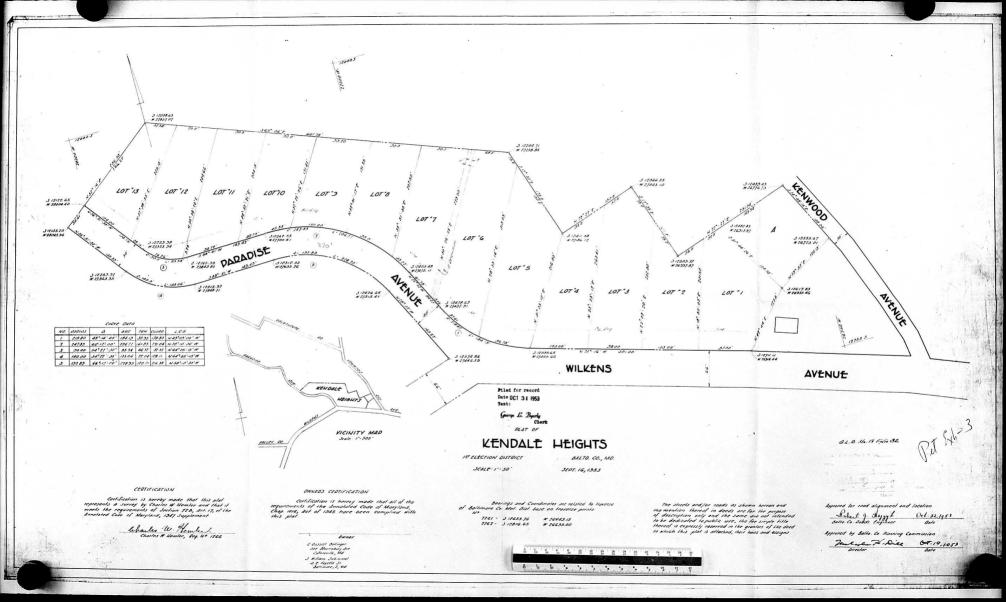
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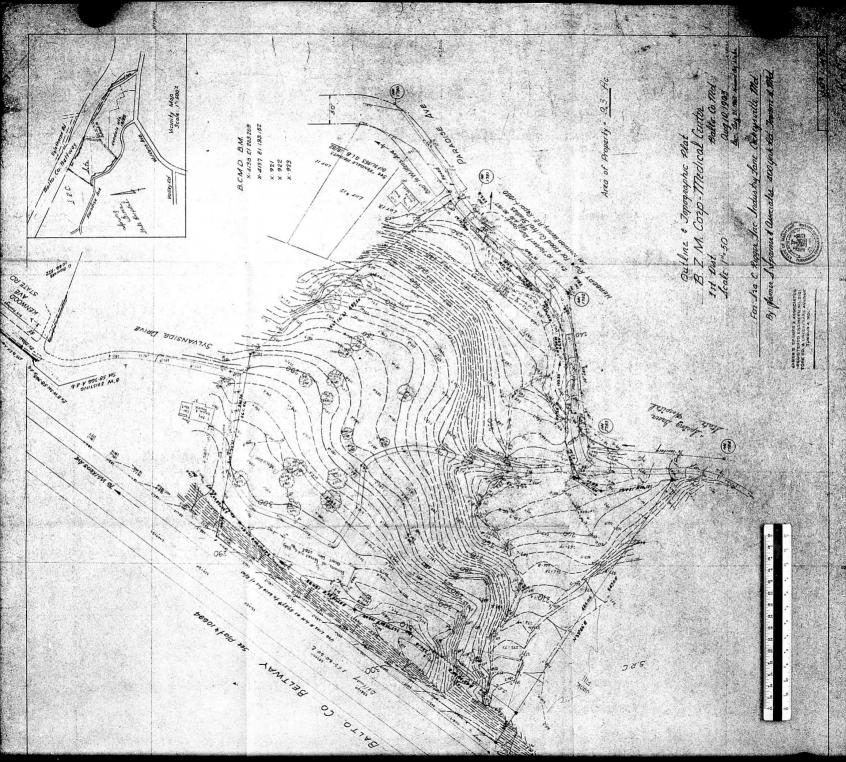
NORTH BOUND LANE BALTIMORE BELTWAY SOUTH BOUND LANE TO WILKERS AVE. 150.33' SAPATSOE 10050' S 39-28 20 E 5 537 50' 30'F 230.13 14 STATE LISEVEN 12 20 AS.SO WAS.SO TOTAL NO. OF LOTS - 21 TOTAL ACREAGE - 8.6 Ac. ± ANALYTICAL STUDY FOR B. Z. M. SUBDIVISION

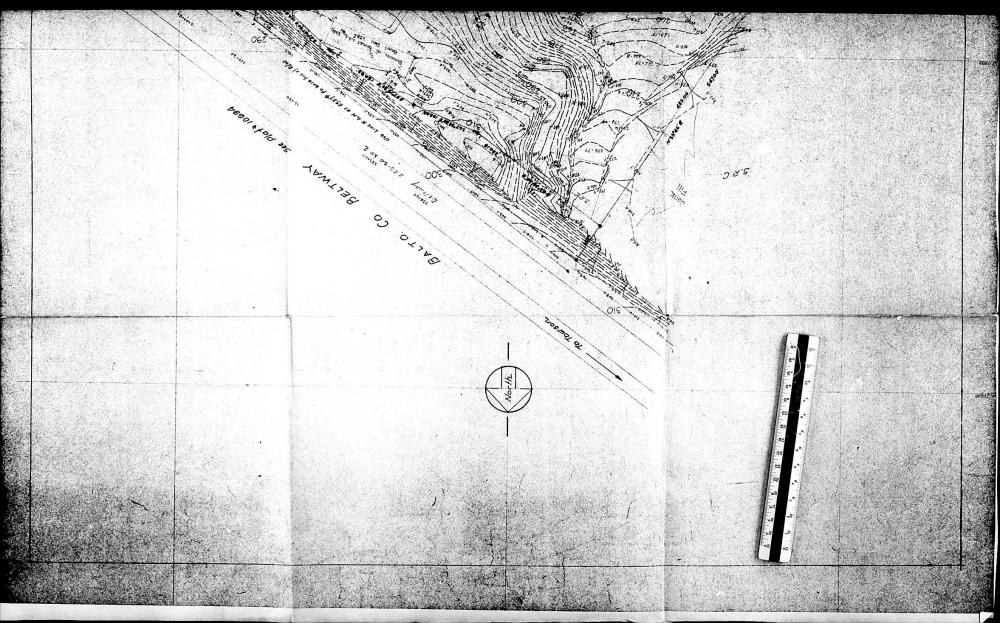
Down by AFS
Checked by ______

DAVID W. POHMER
REGISTERED ENGINEER & LART SURVEYOR
OFFICE IM W 25TH ST. BALTO, IS MD.
SCALE 1450' ISSUED MAY 7, 1965

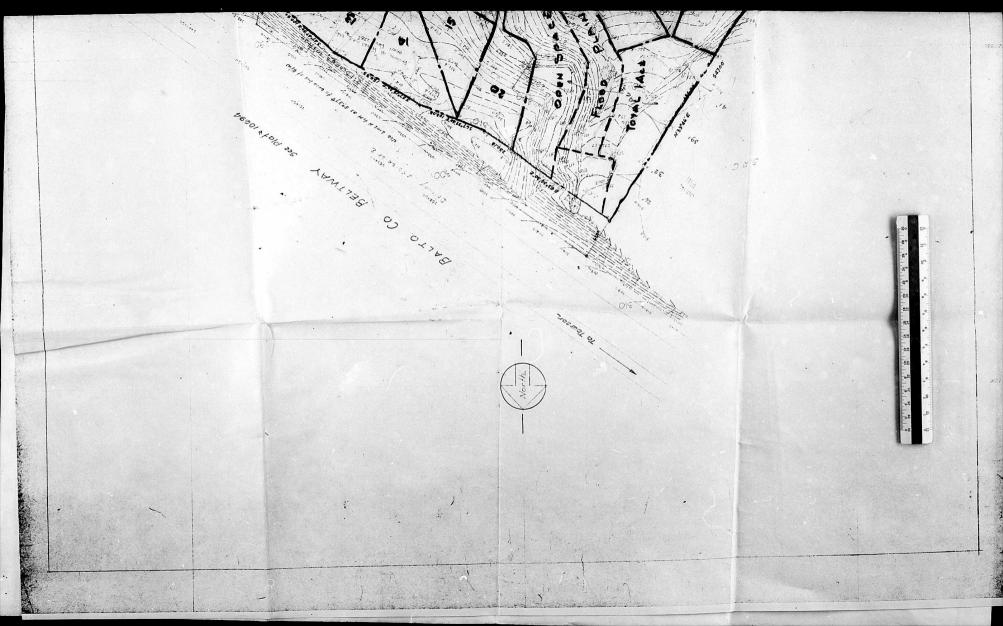


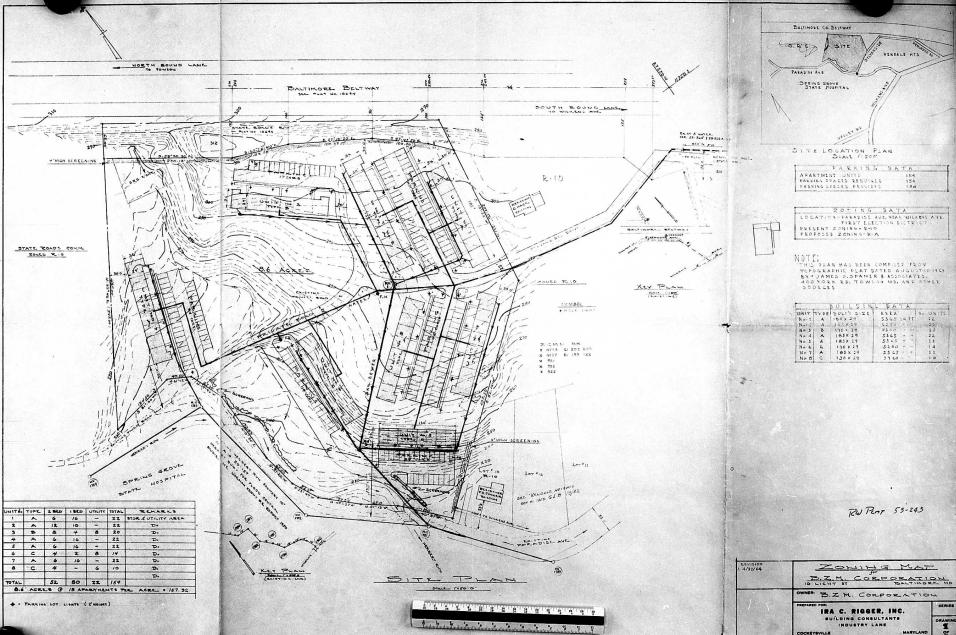












BY: LEH DATE: FEW 14 1964



CERTIFICATION:

THE UNDERSIGNED CERTIFIES THAT THIS PHOTOGRAPH WAS

O'Clock 5 May 19 65 P. T. LEMMON

PARADISE AVENUE ENTRANCE FROM WILKENS AVEN

PARKED CARS

CARTIFICATION:
THE UNDERSIGNED CERTIFIES THAT THIS PHOTOGRAPH WAS TAKEN BY HIM AT

May 1964



HOTE KEHWOOD AVE. HOUSES ON CREST



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