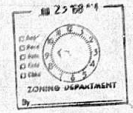


Mr. G. Hall has not plan from
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65-143 RA
 Board of Appeals
 City of Baltimore
 13th



Hounds Hill
 RD #1
 Elliott City, Maryland 21043
 July 22, 1968

Zoning Department
 Baltimore County Court House
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Gentlemen:
 Please send me a copy of the rezoning order that was issued in the early part of 1968 or late 1967, that confirmed the change in zoning from R-6 to M-L of our property located at 2100 Smith Avenue, Landome, Baltimore, County, Maryland; the rezoned portion containing 4.75 acres more or less. The zoning case number was 65-143-RA.

Your prompt attention to this matter will be very much appreciated.

Very truly yours,
George C. Deering
 (Mrs. George C. Deering)

July 25, 1968

Mrs. George C. Deering
 Hounds Hill
 RD #1
 Elliott City Maryland
 21043

Re: Petition No. 65-143-RA

Dear Mrs. Deering:
 As requested in your letter of July 22, I am attaching a copy of the Order passed in the above matter.

Very truly yours

Zoning Commissioner

RE: PETITION FOR RECLASSIFICATION AND VARIANCE from an R-6 zone to an M-L zone, and VARIANCE from Sections 255.1 and 243.4 of the Zoning Regulations SW/4 of Baltimore City, Line 100' NE of Smith Avenue 13th District George C. Deering, et al., Petitioners

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 65-143-RA

DATE: 7/25/68

OPINION

The petitioner here seeks rezoning from an R-6 zone to an M-L zone of a tract of land roughly rectangular in shape consisting of four and three-quarters (4-3/4) acres south of Patapsco Avenue and east of the Baltimore and Ohio Railroad in the 13th District of Baltimore County. The petitioner's property extends from Patapsco Avenue, inside the Baltimore City Line, southward to Smith Avenue which is situated in Baltimore County and runs, at this point, roughly parallel to Patapsco Avenue. The petitioner owns a total of six and one-half (6-1/2) acres south of Patapsco Avenue, however, one acre of his property is inside the Baltimore City Line and another acre and three-quarters of his property, on the south side of the tract which is proposed to be rezoned, is to be continued in an R-6 zone so as to place a strip of residential property between the proposed M-L and the land which is zoned R-6 and developed residentially on the south side of Smith Avenue across the street from the property. This can easily be seen from an examination of petitioner's exhibit No. 1 which was admitted into evidence before the Board. The north side of the subject tract is adjacent to the heretofore mentioned one acre parcel which has frontage on Patapsco Avenue of about 385 feet and is rezoned to Second Commercial by Baltimore City in August of 1964. A strip Patapsco Avenue from this tract is another parcel of ground in the same ownership which was also rezoned Second Commercial in August of 1964. The land west of the property is zoned R-6 but is used as one of the main lines for the Baltimore and Ohio Railroad which traverses the area. The land to the east of the subject tract is zoned R-6 and is being used for church purposes (the petitioner having sold this property to the Church of God). The land south of and undeveloped. The property directly across from this, south of Smith Avenue, is zoned R-6 and is developed in cottage homes in the \$12,000 to \$14,000 price range. The petitioner had originally requested a variance to permit structures within fifty-five feet of a residential zone line instead of the required one hundred and twenty-five foot setback, however, this request for variance was withdrawn by the petitioner's attorney at the outset of the hearing.

Mrs. George C. Deering, one of the property owners, testified that the property had been in the family for many years; that in 1962 the new Patapsco Avenue bisected the property just inside the Baltimore City Line, Patapsco Avenue now is a six lane

George C. Deering - #65-143-RA

dual highway on a one hundred foot right-of-way. She further testified that they have considered selling the property for residential use but could get very little response due to the heavy commercialization directly across from the property within Baltimore City, the construction of Patapsco Avenue, and the Baltimore and Ohio Railroad adjacent to the property directly to the west.

An expert realtor, appearing on behalf of the petitioner, testified that the property, in his opinion, is unusable in its present residential classification, and that the highest and best use of the property would be for a small industrial site; further testifying that there is a great need for small industrial properties in this area, and that this property has all the criteria of an excellent industrial site. He further stated that the property is oriented toward Patapsco Avenue and not toward Smith Avenue to the south, and that by leaving the one hundred foot R-6 strip on the south side of the property in addition to the one hundred and twenty-five foot building setback from this line required by the zoning regulations for M-L land, that the rezoning here could not possibly adversely affect the residential properties to the south of the subject tract.

His testimony was further substantiated by Bernard Willeman, an expert in the field of land planning, who stated that, in his opinion, R-6 zoning was clearly so erroneous as to be confounding since there is no reasonable use for the property under its present zoning. He cited the intensive industrialization and commercialization of the land across Patapsco Avenue in Baltimore City and further cited the construction of Patapsco Avenue which bisected the petitioner's property in 1962 as a major change. He stated, with a great deal of merit the Board believes, the proposition that if the County knew in 1959 (the year of the map's adoption) Patapsco Avenue was going to be built in 1962 then it was obviously an error to zone this property residential where it is bounded on two sides by a six lane major arterial highway and a mainline railroad. If the County did not know or thought that Patapsco Avenue would not be built in 1962, then the impact of the construction of Patapsco Avenue on the property is more than sufficient change to justify the reclassification sought here.

The protesters, who mostly lived on the south side of Smith Avenue across from the subject property, objected to any change in zoning feeling that their properties would be devalued by the proposed reclassification. The Board does not agree with their contention.

The Board visited the subject property and paced out various distances to determine the effect, if any, the rezoning here would have on the surrounding properties. There is no question that the tract is oriented primarily to Patapsco Avenue and that the

65-143 RA
 Board of Appeals
 City of Baltimore
 13th

RE: PETITION FOR RECLASSIFICATION AND VARIANCE from an R-6 zone to an M-L zone, and VARIANCE from Sections 255.1 and 243.4 of the Zoning Regulations SW/4 of Baltimore City, Line 100' NE of Smith Avenue 13th District George C. Deering-Petitioner

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 65-143-RA

The petitioner's property consists of 4.3/4 acres and lies on the Southwest side of the Baltimore City Line, 100 Feet Northwest of Smith Avenue in the Thirteenth District. If zoning were granted, the petitioner would construct a warehouse.

The petitioner's property is adjacent to Smith Avenue on the South Church of God on the East; B & O Railroad on the West and the new Patapsco Avenue on the North. Directly across the Patapsco Avenue is another tract, owned by the petitioner, which was recently rezoned by the Baltimore City zoning authorities.

Without going into detail, the Deputy Zoning Commissioner is of the opinion the petitioner failed to show an error in the original zoning map for the Thirteenth District and could not show such a substantial change in the character of the neighborhood that would justify rezoning the property to an M-L Zone.

For the foregoing reasons, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15 day of November, 1968, 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 an R-6 Zone. The request for Variance to Sections 255.1 and 243.4 of the Baltimore County Zoning Regulations are likewise DENIED.

Grand D. Hardy
 GRAND D. HARDY
 Deputy Zoning Commissioner of Baltimore County



FRANK E. CICONE
 Attorney At Law
 121 W. SUSQUEHANNA AVENUE
 TOWSON, MARYLAND 21286

December 17, 1964

Mr. John G. Bore
 Zoning Commissioner
 Baltimore County Office of Planning and Zoning
 County Office Building
 111 W. Chesapeake Ave.
 Towson, Maryland 21286

Dear Mr. Bore: Re: Petition for Reclassification and Variance to the Zoning Regulation - SW/4 of Baltimore City Line, 100' NE of Smith Avenue, 13th Dist., George C. Deering and Elsie A. Deering, Petitioners - No. 65-143-RA

I hereby take an appeal to the County Board of Appeals on behalf of George C. Deering and Elsie A. Deering, Petitioners, to the Order rendered in the above entitled case on November 15, 1964. I am enclosing herewith check in the amount of \$300.00 covering the cost of this appeal.

Very truly yours,
Frank E. Cicone
 Frank E. Cicone
 Attorney for the Petitioners

FEJ/te
 CCJ Albert W. Styles, Engr.
 Encl.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION AND VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, George C. and Elsie A. Deering, legal owners 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 M-L zone and (2) that the following reasons:

1. Present zoning map is outdated and contains errors.
2. Properties in the area have changed zoning classification to industrial and commercial uses.
3. Contiguous property owned by same parties in Baltimore County has been rezoned.
4. Highway changes have changed character of property.

See Attached Description
 I, or we, George C. and Elsie A. Deering, legal owners 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 M-L zone and (2) that the following reasons:

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.

Contract purchaser: George C. Deering, Elsie A. Deering, Legal Owner, Address: 2100 Smith Avenue, Baltimore, Maryland, 21227

Protestant's Attorney: Elroy J. Snodgrass, Petitioners' Attorney, 239 Fifth Avenue, Address: Baltimore, Maryland, 21227

ORDERED By the Zoning Commissioner of Baltimore County, this 5th day of October, 1968, 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 12th day of November, 1968, at 2:00 o'clock



George C. Deering - #65-143-RA

property along Patapsco Avenue is devoted primarily to commercial and industrial uses. The Board was particularly interested in the topography of the property in that going from north to south it starts at a low point at Patapsco Avenue and rises to a ridge about three-quarters of the way to the rear of the property then falls off again to the south, toward Smith Avenue. The houses on the south side of Smith Avenue are actually below the grade level of the street. Standing on the property two hundred and twenty-five feet north of the curb line of Smith Avenue one finds one's self over the ridge of the property and unable to see the houses on Smith Avenue. Conversely, it is highly unlikely that the houses on the south side of Smith Avenue would be able to see any buildings that would be erected on the subject tract. There is no reason why residences could not be built south of the property to face Smith Avenue, thus facing the existing residences on Smith Avenue with new residences which would back up to the industrial site.

For the reasons set forth above, it is the feeling of the Board that the petitioner amply proved both error in the original map and a genuine change in conditions in the neighborhood to warrant, if not compel, the reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of January, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED, and the variance 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
 William S. Baldwin, Chairman

W. Giles Parker
 W. Giles Parker

R. Bruce Alderman
 R. Bruce Alderman

ESTABLISHED 1843
S. J. MARTENET & CO.
 REGISTERED
 SURVEYORS AND CIVIL ENGINEERS
 9 E. LEXINGTON STREET
 BALTIMORE, MD. 21202
 PHONE: 539-4263

ESTABLISHED 1843
S. J. MARTENET & CO.
 REGISTERED
 SURVEYORS AND CIVIL ENGINEERS
 9 E. LEXINGTON STREET
 BALTIMORE, MD. 21202
 PHONE: 539-4263

DESCRIPTION OF 4.752 ACRES OF PROPERTY OF GEORGE C. & ELISE A. DEERING

All that parcel of land in the Thirteenth Election District of Baltimore County, Maryland, bounded and described as follows:
 BEGINNING for the same in the Southwestern Boundary Line of Baltimore City at the distance of South 60 degrees, 39 minutes and 50 seconds East 108.76 feet from Boundary Monument No. 9509, and running thence, binding on said Boundary Line South 60 degrees, 39 minutes and 50 seconds East 465.92 feet to the end of the third line of the land described in a deed from George Calvin Deering and wife to the Trustees of Church of God of West Baltimore, Inc. dated November 9, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 1775 folio 593 etc., thence, binding County in Liber W.J.R. No. 1775 folio 593 etc., thence, binding reversely on the third and part of the second line of the land described in said deed South 61 degrees, 29 minutes and 30 seconds West 150 feet and South 19 degrees, 14 minutes and 06 seconds West 254.05 feet to a point distant 100 feet Northeastly measured at right angles from the Northeast side of Smith Avenue, 30 feet wide, thence parallel with and 100 feet from said Northeast side of Smith Avenue North 68 degrees, 08 minutes and 35 seconds East 637.08 feet to a point in the fourth line of the land described in a deed from Lula E. Weiller et al. to The Baltimore and Ohio Railroad Company dated September 23, 1930 and recorded among said Land Records in Liber L.W.C.M. No. 859 folio 904, thence binding reversely on part of the fourth, the third and part of the second lines of the land described in said last mentioned deed North 52 degrees, 52 minutes and 3 seconds East 192.51 feet, North 59 degrees, 32 minutes and 31 seconds East 196.60 feet and North 37 degrees, 33 minutes and 10 seconds East 113.02 feet to the place of beginning.

DESCR. 4.752 Acres of Property of George C. & Elise A. Deering

Containing 4.752 Acres of land, more or less.
 The courses in the above description are referred to the True Meridian.
 Being part of the land described in a deed from Addie B. Deering et al. to George H. Deering & wife dated July 22, 1939 and recorded among said Land Records in Liber C.W.B.J.R. No. 1075 folio 177 etc.

September 16, 1964

Eroy J. Souffer, Esq.
 239 Fifth Avenue
 Baltimore, Md. 21227

Re Petition for Reclassification from R-6 to M-L and Variance for George C. Deering

Dear Sirs:
 The Zoning Advisory Committee has reviewed the above petition, and has the following comment to submit:
 Bureau of Engineering: Will review and comment at a later date.
 Fire Bureau: Will review and comment at a later date.
 No comments from the other Departments.

Yours very truly,

JOHN E. PIER
 CHIEF OF PERMIT AND
 PETITION PROCESSING

JEP/bo

October 7, 1964
 #65-143 RA
 MAP #13
 SEC 2 A
 E 3 A
 M-L
 10/17/64

PETITION FOR RECLASSIFICATION AND VARIANCE
 13th DISTRICT
 ZONING: From R-6 to M-L. Zone. Petition for Variance. Location: Southwest side of Baltimore City Line 100 feet West of South Avenue at the intersection of South Avenue.
 DATE OF THE HEARING: NOVEMBER 12, 1964 at 2:00 P.M.
 PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Chapter 105 of the Baltimore County Code, will hold a public hearing on the above petition for reclassification and variance to the zoning regulations of Baltimore County to permit a variance to be located within the line of a residential district of the County.
 All that parcel of land in the Thirteenth Election District of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., October 22, 1964
 THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of 9 consecutive weeks before the 19th day of September, 1964, the first publication appearing on the 22nd day of October, 1964.

THE TIMES
 Manager: John H. Martin
 Cost of Advertisement, \$1.00
 Publication Order #347
 Registration No. 20999

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13th Date of Posting: June 13, 1964
 Petitioner: George C. Deering, et al.
 Location of property: 211 1/2 South Ave. Sec. 2A, E 3A, M-L
 Location of Sign: 211 1/2 South Ave. Sec. 2A, E 3A, M-L
 Remarks: 2 signs
 Posted by: J. Souffer Date of return: June 17, 1964

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 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. once in each of 9 consecutive weeks before the 19th day of September, 1964, the first publication appearing on the 22nd day of October, 1964.

THE JEFFERSONIAN
 S. Lincoln Thornton
 Manager
 Cost of Advertisement, \$.....

PETITION FOR RECLASSIFICATION AND VARIANCE
 13th DISTRICT
 ZONING: From R-6 to M-L. Zone. Petition for Variance. Location: Southwest side of Baltimore City Line 100 feet West of South Avenue at the intersection of South Avenue.
 DATE OF THE HEARING: NOVEMBER 12, 1964 at 2:00 P.M.
 PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Chapter 105 of the Baltimore County Code, will hold a public hearing on the above petition for reclassification and variance to the zoning regulations of Baltimore County to permit a variance to be located within the line of a residential district of the County.
 All that parcel of land in the Thirteenth Election District of Baltimore County

TELEPHONE 623-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND
 No. 27506
 DATE 10/15/64

TELEPHONE 623-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND
 No. 27557
 DATE 12/7/64

DEPOSIT TO ACCOUNT NO.	QUANTITY	RECLASS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622		Petition for Reclassification & Variance for George Deering	\$50.00
		365-143-BA	
			\$50.00

DEPOSIT TO ACCOUNT NO.	QUANTITY	RECLASS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622		Cost of appeal and posting property of Geo. C. Deering, et al	\$50.00
		#65-143-BA	
			\$50.00

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.

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.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13th Date of Posting: Oct 24, 1964
 Petitioner: George C. Deering, et al.
 Location of property: 211 1/2 South Ave. Sec. 2A, E 3A, M-L
 Location of Sign: 211 1/2 South Ave. Sec. 2A, E 3A, M-L
 Remarks:
 Posted by: J. Souffer Date of return: Oct 28, 1964

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND
 No. 27571
 DATE 11/16/64

DEPOSIT TO ACCOUNT NO.	QUANTITY	RECLASS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622		Advertising and posting of property for George Deering	\$25.50
		#65-143-BA	
			\$25.50

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

Plot
 Sub #1
 Ad of app



#65-143 RA
 MAP #13
 SEC. 2A E3-A

PLAT OF PROPERTY OF
 GEORGE C. DEERING & ELSIE A. DEERING
 13 TH DISTRICT - BALTIMORE CO.

SCALE - 1" = 50'
 J. J. Masten & Co.
 Surveyors, Civil Engs.
 Balto. - Sept. 14, 1944
 Richard P. Tustin, City #346.

