

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION 47H DIS.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Know we, MAJOR REALTY, 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 re-classified pursuant to the Zoning Law of Baltimore County, from an R-20, R-10, M-R, M-L zone to an R-6 and R-A zone; for the following reasons:

Error in original map
Change in the neighborhood

An attached description

See plat attached hereto and made a part hereof

Property is to be posted and advertised as prescribed by Zoning Regulations. When 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 of Baltimore County

MAJOR REALTY, INC.
By: *[Signature]* President Legal Owner
Address: 747 Equitable Building
Baltimore, Maryland 21202
Business Attorney: *[Signature]*
Address: 408 Jefferson Bldg., Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of April, 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 10th day of June, 1965, at 2:00 o'clock P.M.

DESCRIPTION

PROPERTY OF MAJOR REALTY, INC.

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of the Second Line of that parcel of land fifthly described in the above mentioned deed and along part of the sixteenth or last line of that parcel of land thirdly described in the above mentioned deed North 62° 31' 10" East 228.82 feet to a point thereon thence South 40° 38' 30" East 2358.76 feet to intersect a point on the Sixth Line of that parcel of land thirdly described in the above mentioned deed, thence reversely along part of said Sixth Line and reversely along part of the Fifth Line of that parcel of land fourthly described in the above mentioned deed, North 48° 28' 50" East 517.38 feet to a point thereon, the coordinates of said point being North 59374.27 and West 51656.02 and running thence binding along the center line of a road proposed to be laid out 70 feet wide North 43° 02' 10" West 1736.28 feet to intersect the center line of a road as proposed to be laid out 60 feet wide, thence binding along the center line of said road, as proposed to be laid out 60 feet wide the six following courses and distances, viz.:

- (1) South 46° 57' 50" West 80.34 feet,
- (2) 284.28 feet in a westerly direction along the arc of a curve to the right having a radius of 176.29 feet and a long chord bearing North 86° 50' 20" West and a long chord distance of 254.47 feet,
- (3) North 40° 38' 30" West 239.42 feet,
- (4) 211.17 feet in a northwesterly direction along the arc of a curve to the right having a radius of 477.55 feet and a long chord bearing North 27° 58' 25" West and a long chord distance of 209.45 feet,
- (5) North 15° 18' 20" West 113.06 feet, and
- (6) 130.76 feet in a northeasterly direction along the arc of a curve to the right having a radius of 100 feet and a long chord bearing North 22° 09' 14" East and a long chord distance of 121.84 feet, thence leaving the center line of said 60 feet wide proposed road North 43° 30' 30" West 31.79 feet

PURDUM AND JESCHKE ENGINEERS

APR 8 1965

DESCRIPTION

PROPERTY OF MAJOR REALTY, INC.
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
(PROPOSED RE-ZONING TO R-6)

BEGINNING for the same at a point on the Fourth Line of that parcel of land filed among the records of the Zoning Commissioner of Baltimore County, Maryland and more particularly referred to as Zone 4 MR-5 and distant North 74° 20' 00" East 759.12 feet from the beginning thereof, the coordinates of said point as referred to the True Meridian established by the Baltimore County Metropolitan District being North 51268.56 and West 53480.35, said point being distant South 06° 3' 39" West 562.39 feet from the intersection of the center line of Central Avenue, as now laid out, and the center line of Bond Avenue, as now laid out and running thence binding along part of said Fourth Line North 74° 20' 00" East, parallel to and distant 500 feet southerly measured at right angles from the south side of Bond Avenue 476.81 feet to a point on the First Line of that parcel of land fifthly described in a deed dated May 25, 1964 recorded among the Land Records of Baltimore County, Maryland in Liber R.R.G. No. 4304 at Folio 414 which was conveyed by David S. Brown and Sara Brown, his Wife, to Major Realty, Inc., the coordinates of said point being North 61397.32 and West 53021.25, thence binding along part of said First Line South 03° 00' 00" East 278.95 feet to the end thereof and to the end of the Eighth or Last Line of that parcel of land fourthly described in the above mentioned deed, thence binding reversely along the Eighth, Seventh and Sixth Lines and reversely along part of the Fifth Line of the aforesaid parcel of land fourthly described in the above mentioned deed, the four following courses and distances, viz.:

- (1) South 62° 10' 10" East 396.25 feet,
- (2) North 76° 12' 50" East 374.55 feet,
- (3) South 43° 02' 10" East 1656.92 feet, and

PURDUM AND JESCHKE ENGINEERS

2418 MARLAND AVENUE BALTIMORE MARYLAND 21218

APR 8 1965

DESCRIPTION

PROPERTY OF MAJOR REALTY, INC.

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(4) South 48° 28' 50" West 660.22 feet to a point thereon, the coordinates of said point being North 59374.27 and West 51656.02 and running thence binding along the center line of a road as proposed to be laid out 70 feet wide North 43° 02' 10" West 1736.28 feet to intersect the center line of a road as proposed to be laid out 60 feet wide, thence binding along the center line of said road, as proposed to be laid out 60 feet wide the six following courses and distances, viz.:

- (1) South 46° 57' 50" West 80.34 feet,
- (2) 284.28 feet in a westerly direction along the arc of a curve to the right having a radius of 176.29 feet and a long chord bearing North 86° 50' 20" West and a long chord distance of 254.47 feet,
- (3) North 40° 38' 30" West 239.42 feet,
- (4) 211.17 feet in a northwesterly direction along the arc of a curve to the right having a radius of 477.55 feet and a long chord bearing North 27° 58' 25" West and a long chord distance of 209.45 feet,
- (5) North 15° 18' 20" West 113.06 feet, and
- (6) 130.76 feet in a northeasterly direction along the arc of a curve to the right having a radius of 100 feet and a long chord bearing North 22° 09' 14" East and a long chord distance of 121.84 feet, thence leaving the center line of said 60 feet wide proposed road North 43° 52' 30" West 97.79 feet to the place of beginning, containing 35.62 acres of land more or less.

BEING a part of the Third, Fourth and Fifth parcels described in a deed dated May 25, 1964, recorded among the aforesaid Land Records in Liber R.R.G. No. 4304 at Folio 414 which was conveyed by David S. Brown and Sara Brown, his Wife, to Major Realty, Inc.



PURDUM AND JESCHKE ENGINEERS

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DESCRIPTION

PROPERTY OF MAJOR REALTY, INC.

Page 3

feet to the place of beginning, containing 28.40 acres of land more or less.
BEING a part of the Third, Fourth and Fifth parcels of land described in a deed dated May 25, 1964, recorded among the aforesaid Land Records in Liber R.R.G. No. 4304 at Folio 414 which was conveyed by David S. Brown and Sara Brown, his Wife to Major Realty, Inc.



PURDUM AND JESCHKE ENGINEERS

2418 MARLAND AVENUE BALTIMORE MARYLAND 21218

APR 8 1965

DESCRIPTION

PROPERTY OF MAJOR REALTY, INC.
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
(PROPOSED RE-ZONING TO R-6)

BEGINNING for the same at a point on the Fourth Line of that parcel of land filed among the records of the Zoning Commissioner of Baltimore County, Maryland and more particularly referred to as Zone 4 MR-5 and distant North 74° 20' 00" East 759.12 feet from the beginning thereof, the coordinates of said point as referred to the True Meridian established by the Baltimore County Metropolitan District being North 51268.56 and West 53480.35, said point being distant South 06° 3' 39" West 562.39 feet from the intersection of the center line of Central Avenue, as now laid out, and the center line of Bond Avenue, as now laid out and running thence North 49° 52' 30" West 24.17 feet to the end of the Eleventh Line of that parcel of land fifthly described in a deed dated May 25, 1964 recorded among the Land Records of Baltimore County, Maryland in Liber R.R.G. No. 4304 at Folio 414 which was conveyed by David S. Brown and Sara Brown, his Wife, to Major Realty, Inc., thence binding reversely along the Eleventh, Tenth, Ninth, Eighth, Seventh, Sixth, Fifth, Fourth and Third lines of the above mentioned deed the nine following courses and distances, viz.:

- (1) South 70° 40' 30" West 30.56 feet,
- (2) South 78° 05' 30" West 361.40 feet,
- (3) South 66° 03' 30" West 180.00 feet,
- (4) South 16° 16' 30" East 33.00 feet,
- (5) South 66° 03' 30" West 106.86 feet,
- (6) South 22° 28' 30" East 245.91 feet,
- (7) North 64° 10' 00" East 87.50 feet,
- (8) South 15° 12' 00" East 87.50 feet, and
- (9) South 15° 35' 00" East 181.50 feet, thence binding reversely along part

PURDUM AND JESCHKE ENGINEERS

2418 MARLAND AVENUE BALTIMORE MARYLAND 21218

APR 8 1965

ELLIS S. WHITE and
PEARL R. WHITE, his wife
Appellants
v.
WILLIAM S. BAIWIN
R. BRUCE ALLENDAW
PAUL T. McHENRY, JR.
constituting the County
Board of Appeals of
Baltimore County
Appellees

ORDER OF APPEAL

Mr. Clerk:

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Ellis S. White and Pearl R. White, his wife, from the Order of the County Board of Appeals of Baltimore County granting a reclassification from R-20, M-L and M-R to R-10 and R-A on 63.02 acres of land at the intersection of Central and Bond Avenues in the Fourth District of Baltimore County, Maryland.

This appeal, which is filed pursuant to Maryland Rule 22 at BAR., is from the decision of Case No. 65-357-R of the County Board of Appeals dated October 5, 1964.

WILLIAM L. JACOB
ATTORNEY AT LAW
BALTIMORE, MARYLAND

William L. Jacob
First National Bank Building
Towson, Maryland 21204
Attorney for Appellants

I hereby certify that on this 3rd day of November, 1964, a copy of the foregoing Order of Appeal was hand-delivered to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland, 21204.

William L. Jacob

ELLS S. WHITE
and
PEARL R. WHITE, his wife
Appellants

W. LEE HARRISON
R. BRUCE ALDERMAN
PAUL T. McHENRY, JR.,
constituting the County Board
of Appeals for Baltimore County
Appellees

ORDER TO ENTER APPEARANCE

Mr. Clerk:

Please enter my appearance as additional attorney for Major Realty, Inc.

Inc.

W. Lee Harrison
897 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
833-1200

I hereby certify that on this 22nd day of June, 1967, copy of the foregoing Order to Enter Appearance was sent to William L. Fiech, Esq., First National Bank Building, Towson, Maryland 21204 and to the Board of Appeals for Baltimore County, County Office Building, Towson, Maryland 21204.

W. Lee Harrison

IN THE COURT OF APPEALS OF MARYLAND
No. 316
September Term, 1967

ELLS S. WHITE, et ux

v.

MAJOR REALTY, INC.

HARRISON, C.J.
Marbury
Barnes
McWilliams
Finan
Singlesy
Smith,

JJ.

PER CURIAM

Filed: October 9, 1968

#65-357-R

Per Curiam:

On October 5, 1966, the Board of Appeals of Baltimore County reclassified the zoning of a tract of land approximately 64 acres in the Fourth Election District of Baltimore County near Bond Avenue and the Western Maryland Railroad tracks (the subject property) from M-1 (manufacturing-light), M-R (manufacturing-restricted) and a small portion of R-20 (residential, one-half acre lots) to 35.62 acres of R-10 (residential - 10,000 square foot lots) and 28.40 acres of R-A (residential-apartment). The only protestants before the Board who appealed to the Circuit Court for Baltimore County were the appellants, Ellis S. White and Pearl R. White, his wife, who own and reside at 109 Central Avenue, Glyndon, Maryland, approximately one-half mile from the subject property. Mr. White, the principal witness for the protestants, testified that he preferred that the land remain undeveloped in its then zoning as he feared increased traffic, doubted the capacity of the water distribution system, indicated that the public schools were already overcrowded and that the introduction of additional people into the area would "change the entire character of our community." There was no evidence that the property of the protestants would be depreciated in value by the proposed rezoning or that the protestants could even see the subject property from their Central Avenue property. The protestants perfected an appeal to the Circuit Court for Baltimore County from the order of the Board granting the rezoning. Upon a timely motion, the Circuit Court (Raine, J.)

dismissed the appeal on the ground that the protestants and appellants were not parties approved by the Board's decision as required by Section 504 of the Baltimore County Charter.

In our opinion Judge Raine's order dismissing the appeal was correct. Our decisions in Knightsbridge Development Corp. v. Board of Appeals, 213 Md. 239, 131 A.2d 461 (1957) and DuBay v. Board, 240 Md. 180, 213 A.2d 467 (1965) indicate that the appellants did not establish the necessary special damage to their property (an adverse effect different than that suffered by the public generally) to make them "aggrieved" by the Board's order and these decisions are dispositive of the present case. See also Byrd v. Board of Appeals, 247 Md. 137, 230 A.2d 259 (1967) for a review of our prior decisions in regard to aggrievement in zoning cases.

ORDER AFFIRMED, THE APPELLANTS TO PAY THE COSTS.

As required by the Maryland Zoning Enabling Act, Code (1967 Repl. Vol.), Art. 66B, § 7 (c).

Rec'd 6/24/67
9:30am

RE: Petition for Reclassification
R-20, R-10, M.R. & M.L.
to R-6 and R-A Zone
562.39' from the intersection
of Central and Bond Avenues
4th District
Major Realty Inc.-Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-357-R

The petitioner's property, currently zoned R-20, R-10, M.R. and M.L., located approximately 563 feet from the intersection of Central and Bond Avenues in the Reisterstown area. For the purpose of the zoning hearing the land has been divided into two parcels which will be referred to as Parcel "A" consisting of 35.62 acres for which R-6 zoning is sought and Parcel "B" consisting of 28.40 acres for which R-A zoning is requested. At the conclusion of the hearing the petitioner withdrew his request for R-6 zoning on the 35.62 acres and requested that this tract be rezoned R-10.

The overall tract was described as being bordered on the north by very sparsely developed residential land, on the south by a strip of M.L. zoned land and the Western Maryland Railroad tracks, on the west by sparsely developed residential property and on the east by M.L. zoned land also owned by the petitioner.

Plans call for the construction of Parcel "A" of individual homes ranging in price from \$14,500.00 to \$18,500.00 with \$180.00 ground rent. Parcel "B" would be developed into an apartment development consisting of 450 apartment units with a rental range from \$100.00 to \$150.00 per month including utilities. Recreational areas and sufficient open space would be provided. Sewer and water are available and adequate.

The petitioner stated that he has for the last nine years tried to lease or sell his property for manufacturing purposes but, because of the remoteness of the land from major arteries, he has been unsuccessful in attracting suitable clients. He felt the zoning map was in error with respect to his property and felt the most appropriate use would be for apartment and individual home construction. He, also, felt there is need for apartments in the vicinity.

There was testimony from Mr. Frederick Klaus, real estate consultant, who likewise felt the present zoning is in error and he also based his opinion on the fact that the petitioner's property is remotely located from expressways and main roads. He stated that modern industries no longer rely on railroads as they once did and that the bulk of industrial freight is now carried by trucks. He introduced into evidence a list of numerous changes in the general area which he felt had a bearing on the petition. Mr. Klaus was of the opinion the most appropriate use of the petitioner's land would be for apartment and individual home construction and that the R-A zoning would be an excellent buffer between the manufacturing light zoned property on the south and the existing residential zones on the north.

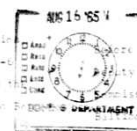
There was fear expressed by various protestants in attendance at the hearing that the requested zoning could result in a traffic hazard in the general neighborhood. However, in response to this fear, Mr. William Purdom, consulting engineer, stated that traffic ingress and egress would be by the following arteries: Central Avenue extended to be known as Bonita Avenue which will eventually tie-in with the Northwest Expressway; Bond Avenue to Reisterstown Road; the future Glyndon Road to Reisterstown Road; and the proposed Cherry Hill Road to Reisterstown Road. This particular witness could see no resulting traffic hazard if the requested zoning were granted.

In view of the need for additional apartments in the general neighborhood, it would seem the most logical and appropriate zoning for Parcel "B" would be R-A zoning. It would also appear that the most logical and appropriate zoning for Parcel "A" would be R-10 as this would complement the existing residential zoning on the north and west. The proposed apartments would certainly act as an excellent buffer zone between the existing M.L. zoning on the south and the surrounding residential properties.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of July, 1965, that the herein described Parcel "A" is hereby reclassified to an R-10 zone and the herein described Parcel "B" is hereby reclassified to an R-A zone, all subject to approval of the site plan by the Bureau of Public Services, Office of Planning and Zoning, and the State Roads Commission.

EDWARD D. HARDESTY
Deputy Zoning Commissioner of
Baltimore County

Petition for Reclassification
R-20, R-10, M.R. & M.L. to R-6
and R-A Zone 562.39' from the
intersection of Central and Bond
Avenues
4th District
Major Realty Inc. - Petitioner
No. 65-357-R



Mr. John G. Rose, Zoning Commissioner
Please enter an appeal to the Board of Appeals
from the Order of the Deputy Zoning Commissioner of Baltimore
County, dated July 16, 1965, rezoning Parcel A to R-10
and reclassifying Parcel B to R-A zone, in the above entitled
case.

Edward D. Hardesty
Deputy Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

April 21, 1966

Helen T. Gannon, Esq.
106 Jefferson Building
Towson, Maryland 21204

SUBJECT: Reclassification from an R-20,
R-10, M.R., M.L., to R-6 and R-A, for 1/2 acre
only, the, located 500' south of the
intersection of Central and Bond Avenues.

Dear Sir:

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

OFFICE OF PLANNING AND ZONING: The petitioner's plan does not indicate how
access will be provided to the rezoning 1/2 acre. It is suggested that the
petitioner's engineer contact the writer prior to the hearing.

RESIDENTIAL ADVISORY COMMITTEE: See attached comments.

BUREAU OF TRAFFIC ENGINEERING: This Bureau will review the subject site and
submit comments at a later date.

BUREAU OF ENGINEERING: (1) Existing 12" water main is located 2000' N/W of this site in
Central Avenue.
(2) Existing 12" sewer crosses Bond Avenue 500' E/W of this site.
Adequacy to be determined by developer or his engineer.
Road - The extension of Central Avenue through this site to be developed as a 16'
curb and gutter road on a 70' right of way. Bond Avenue to be developed as
16' curb and gutter road on a 70' right of way.

The above comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made aware of plans or
problems that may have a bearing on this case. The Director and/or the Deputy
Director of the Office of Planning and Zoning will submit recommendations on the
appropriateness of the requested zoning 10 days before the Zoning Commission's
hearing.

The following members had no comment to offer:

State Roads Commission
Fire Department
Health Department
Buildings Department
Board of Education

Yours very truly,

Edward D. Hardesty
Deputy Zoning Commissioner

cc: Mr. A. Gannon, "Maping"
Mr. A. Gannon, "Maping"
Mr. A. Gannon, "Maping"
Mr. A. Gannon, "Maping"

MICROFILMED

RE. PETITION FOR RECLASSIFICATION
from R-10, R-20, M.R., and M.L.
zones to R-4 and R-A zones,
562.39' from the intersection of
Central and Bond Avenues,
4th District
Major Realty, Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-357-R

OPINION

This matter comes before the Board on the petition of Major Realty, Inc. for the reclassification of approximately sixty-four (64) acres of land from its present classification of M.L., M.R., and R-20 to R-10 and R-A. Just a very small portion of the acreage located on the southwest corner of the property is zoned R-20, and the balance is zoned M.L. and M.R. Also, for the purpose of this zoning hearing, the land has been divided into two parcels referred to as Parcel "A" consisting of 35.62 acres for which R-10 zoning is sought, and Parcel "B" consisting of 28.40 acres for which R-A zoning is sought.

The petitioning owner also owns a parcel of land presently zoned R-10 which joins Parcel "A" on the north and which gives access to the intersection of Bond and Central Avenues. It is the proposal of the owner to develop this additional parcel in accordance with his R-10 development plan for Parcel "A".

If we consider Bond Avenue as running approximately east and west, the subject property is bounded on the north (across Bond Avenue), and also on the east by a rather sparsely developed residential area. To the south of the subject property is additional M.L. and M.R. zoned land which was part of a large tract of land originally zoned M.L. and M.R. upon the adoption of the Fourth District land use map, which was adopted January 18, 1957. To the west of the subject property is additional manufacturing land, some of which is also owned by the subject petitioner: the Western Maryland Railroad tracks; and still additional M.L. and M.R. zoned land extending to the western and southern boundaries of this large industrial tract. Also, just west of the subject property and bordering, in part, along the Western Maryland Railroad, is a tract of land which was originally a part of the large industrial tract and which was recently reclassified to R-A, the date of finality of said reclassification being June 10, 1965. Still further west and bordering along the land referred to above which was recently reclassified R-A, is the residential development of Chantley.

The petitioner alleges both error in the original zoning and change in the character of the neighborhood as the reasons for the reclassification sought. In discussing the question of error, we might well note that part of the petitioner's testimony indicated that although this land use map was adopted almost ten years ago, none of this large area

Major Realty, Inc. - #65-357-R

which seems to have been designated for industrial development has, in fact, been developed or used for industrial purposes. Petitioner's testimony indicated many reasons for this among which were (1) the large industrial tract lacked proper access for industrial development; (2) the Western Maryland Railroad was considered a factor which would make the tract desirable for industrial development whereas the more modern trend of M.L. and M.R. development has been away from the "railroad siding" sites, and tended more toward locations with good access to major arterial roadways. It was also pointed out that even if the railroad was to be a factor, the modern trend of railroad use in conjunction with industries was more in line with heavy manufacturing use rather than M.L. and M.R. type industries; (3) the petitioner claimed that although he had offered the land for industrial development for several years, that he had received no inquiries showing interest in having the land developed for industrial purposes.

The testimony of Bernard Willemain, expert in the field of land planning, contained the opinion that the retention of this large tract of land under its present M.L. and M.R. classifications, coupled with the obvious lack of interest in having it developed for industrial uses, served to confiscate the property rights of the owners because of the impossibility of the use of the subject property in accordance with its present zoning. The Board agrees with this opinion and feels that there was error committed in the zoning of the subject property M.L. and M.R. in light of the chain of circumstances since 1957 which tend to prove that the subject property is not capable of development in accordance with its original M.L. and M.R. classifications. It might also be well to point out that the general area surrounding the property has been developed primarily along residential lines including both cottage and apartment development.

The primary "change" in the character of the neighborhood alleged by the petitioner is case No. 65-162-R (previously referred to) which involved the reclassification to R-A of part of this industrial land bordering along the Western Maryland Railroad. It is the feeling of the Board that the zoning of this tract for apartment use, the finality of which zoning occurred on June 10, 1965, has definitely changed the character of this large tract which was heretofore zoned M.L. and M.R. in its entirety. In fact, this change also serves to point up the original error in zoning this large tract for industrial development.

Several protestants appeared at the hearing on the case and expressed fear that the development of the subject tract, in accordance with its proposed new zoning, could create a traffic problem in the area of Bond and Central Avenues. Testimony was also offered indicating that a new wider road, known as Glyndon Drive, was being developed which would provide additional access to the subject property. It appeared to the Board, therefore, that several means of egress from the subject property to major high-

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Major Realty, Inc. - #65-357-R

ways would be available; i.e., Central Avenue, Bond Avenue, and the future Glyndon Drive. The Board, as also convinced, from the testimony offered, that development of the subject tract, in accordance with its present M.L. and M.R. classifications, could create a more intense traffic situation than would development in accordance with the proposed R-10 cottage section on Parcel "A", and R-A apartment section on Parcel "B". The Board further finds, from the testimony of Mr. Lester Matz, a qualified traffic engineer, and Mr. Justin Riso, an Assistant Traffic Engineer in the Baltimore County Bureau of Traffic Engineering, that the proposed 28.4 acre apartment development and 35.6 acre R-10 cottage development would not cause congestion or a traffic hazard in the surrounding roadways.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of October, 1966 by the County Board of Appeals, ORDERED that the reclassification from R-20, M.L. and M.R. to R-10 and R-A petitioned for, be and the same is hereby GRANTED.

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

Philip S. Baldwin, Chairman

R. Bruce Alcorn

Paul T. McHenry, Jr.

FILED BY CLERK OF BALTIMORE COUNTY

NOV 1966

September 1966, 1966

WILLIAM S. WHITE, et al

MAJOR REALTY, INC.

RECORDED, C.O.

INDEXED

FILED

NOV 1966

PER CLERK

Filed: October 9, 1966

#65-357-R

For Clarion:

On October 5, 1966, the Board of Appeals of Baltimore County reclassified the zoning of a tract of land/approximately 64 acres in the Fourth Election District of Baltimore County near Bond Avenue and the Western Maryland Railroad tracks (the subject property) from M-L (manufacturing-light), M-R (manufacturing-restricted) and a small portion of R-20 (residential, one-half acre lots) to 35.62 acres of R-10 (residential - 10,000 square foot lots) and 28.40 acres of R-A (residential-apartment). The only protestants before the Board who appealed to the Circuit Court for Baltimore County were the appellants, Ellis S. White and Pearl R. White, his wife, who own and reside at 109 Central Avenue, Glyndon, Maryland, approximately one-half mile from the subject property. Mr. White, the principal witness for the protestants, testified that he preferred that the land remain undeveloped in its then zoning as he feared increased traffic, doubted the capacity of the water distribution system, indicated that the public schools were already overcrowded and that the introduction of additional people into the area would "change the entire character of our community." There was no evidence that the property of the protestants would be depreciated in value by the proposed rezoning or that the protestants could even see the subject property from their Central Avenue property. The protestants perfected an appeal to the Circuit Court for Baltimore County from the order of the Board granting the rezoning. Upon a timely motion, the Circuit Court (Raine, J.)

dismissed the appeal on the ground that the protestants and appellants were not parties aggrieved by the Board's decision as required by Section 104 of the Baltimore County Charter.¹

In our opinion Judge Raine's order dismissing the appeal was correct. Our decisions in Lawrence v. Development Corp., 213 Md. 230, 131 A.2d 461 (1957) and Wiley v. State, 240 Md. 180, 213 A.2d 407 (1965) indicate that the appellants did not establish the necessary special damage to their property (an adverse effect different than that suffered by the public generally) to make them "aggrieved" by the Board's decision. And these decisions are dispositive of the present case. See also W. Montgomery County Board of Appeals, 247 Md. 437, 236 A.2d 100 (1967) for a review of our prior decisions in regard to R.A. zoning cases.

¹ See Section 104 of the Baltimore County Charter, Code (1967 Suppl. Vol.), Art. 100, § 104.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Bea Anderson, Zoning Dept.
FROM: Edith T. Eisenhart
SUBJECT: Case #65-357-R - Major Realty, Inc.

Date: January 9, 1968

Dear Bea:

The above captioned case was dismissed in the Circuit Court for Baltimore County (Judge Raine) on September 12, 1967, and an Order for Appeal was filed in the Court of Appeals of Maryland on October 11, 1967 by William L. Jacob, Attorney for the protestants-appellants Ellis S. White, et ux.

I happened to note the above information on the Court Docket and, upon request, Mr. Jacob has furnished the Board's office with these two documents. However, they are in printed booklets and difficult to copy. We will keep these booklets in our file until this case is completed. The purpose of this note is to inform you as to the status of this case.

Very truly yours

Edith T. Eisenhart, Secretary
County Board of Appeals of
Baltimore County

INTER-OFFICE CORRESPONDENCE BUREAU OF TRAFFIC ENGINEERING Baltimore County, Maryland Towson, Maryland, 21204

TO: Mr. James S. Dyer
FROM: Eugene J. Clifford
SUBJECT: Zoning Petition 65-357-R Central and Bond Avenues

Date: MAY 21, 1968

Review of the subject plan dated April 8, 1965 results in the following comments.

This property is to be served by Central and Bond Avenues which have narrow pavements and are below the present County standards. Therefore, can not be expected to handle large volumes of traffic.

Under present zoning the tract can expect to generate 900 trips per day. The proposed zoning can be expected to generate 4100 trips per day.

EJC:CRM:m

Eugene J. Clifford
Bureau of Traffic Engineering
County Traffic Engineer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Jolly, Chairman
Zoning Advisory Committee
Date: May 5, 1965

FROM: Mr. Charles F. Morris, Jr.
Fire Bureau, Plans Review

SUBJECT: Property Owner - Major Realty, Inc.
Map 562-357-R from intersection of Central & Bond Aves.
District 4
Present Zoning - R-20, R-10, M.R. and M.L.
Proposed Zoning - R-20, R-10
No. Acres: 60.0

1. Location of proposed hydrants and size of water mains shall be indicated on plot plan. 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.

Parking shall be designed so as to give emergency vehicles an improved radius for turning at end of parking areas.

CRP/abr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner
Date: April 22, 1965

FROM: Mr. H. B. Staab
Zoning Advisory Hearing

SUBJECT: April 21, 1965 - Item #1

When the Zoning Map for the 4th Election District was adopted in January, 1957 the subject parcel was zoned M R & M L to provide a reserve of industrial land for the future growth of Baltimore County.

The population in the 3rd and 4th Election Districts, which this land will serve, has increased from 20,000 in 1950 to approximately 50,000 in 1964 and is estimated to be over 100,000 by 1980. With the many recent changes in classification from a low density residential to apartment zoning in this area, it becomes increasingly important to retain this industrial land. The industrially zoned land at Painters Mill Road section is rapidly being developed and it is expected that the industrially zoned area to the north should be starting to develop in the next several years. To allow increased residential density of this area may subject the utilities in the area - planned according to the Zoning Map - to become overtaxed and restrict industrial development on the remaining industrial land.

The Industrial Development Commission strongly recommends that the petition to reclassify the subject site from industrial use to residential use be denied.

H. B. STAAB, Director
Industrial Development
Commission

HBS:GCH:clm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
Date: May 26, 1965

FROM: George E. Gornitz, Director of Planning

SUBJECT: Petition No. 65-357-R. "R-20, R-10 M.R. and M.L. to R-6 and R-A Zones. 562.39 feet from the intersection of Central and Bond Avenues. Being the property of Major Realty, Inc."

4th District

HEARING: Thursday, June 10, 1965 (2:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. In preparing the Fourth District Master Plan and Comprehensive Zoning Map, the staff and Planning Board carefully assessed the development potentials of this area. The Zoning Map created a band of industrial zoning with appropriate transitions along the Western Maryland Railroad. The staff believes that the industrial zoning unquestionably is correct and that no changes in the character of the area have occurred since the adoption of the map that would justify reclassification to residential use.

2. The staff considers the industrially zoned area to be a resource which will in time add to the County's economic base and create employment opportunities. We believe that the public interest would best be served by maintaining the zoning status of this resource.

MICROFILMED

TELEPHONE 833-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 33974
DATE 5/1/65

TO: William L. Jolly, Esq.
First National Bank Building
Towson, Maryland 21204

DEPT: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO. 04-712

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL FINES
1	Cost of certified documents - File No. 65-357-R Major Realty, Inc. 562.39 feet from the intersection of Central and Bond Avenues 4th District	12.00
1	12-250 3421 • 36974 TIF-	12.00

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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4TH
Posted for: Appeal
Petitioner: Major Realty, Inc.
Location of property: 562.39 feet from intersection of Central & Bond Aves.
Location of Sign: 9th Bond Ave. 250 ft. from intersection of Central & Bond Aves.
East of Central Ave. 250 ft. from intersection of Central & Bond Aves.
Remarks: William L. Jolly, Esq.
Posted by: J. J. Jolly
Date of return: April 2, 1965

3 signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4TH
Posted for: Appeal
Petitioner: Major Realty, Inc.
Location of property: 562.39 feet from intersection of Central & Bond Aves.
Location of Sign: 9th Bond Ave. 250 ft. from intersection of Central & Bond Aves.
East of Central Ave. 250 ft. from intersection of Central & Bond Aves.
Remarks: William L. Jolly, Esq.
Posted by: J. J. Jolly
Date of return: May 22, 1965

5 signs

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 21, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published and published in Towson, Baltimore County, Md. on the 19th day of May, 1965, the last publication appearing on the 21st day of May, 1965.

THE JEFFERSONIAN,
Towson, Maryland

Cost of Advertisement: \$

MICROFILMED

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. May 20, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper published and published in Baltimore County, Md. on the 19th day of May, 1965, the last publication appearing on the 21st day of May, 1965.

THE TIMES
Baltimore, Maryland

Cost of Advertisement: \$ 62.00
Purchase Order #0259
Registration No. 9468

MICROFILMED

TELEPHONE 833-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 31902
DATE 4/25/65

TO: John P. Gorman, Esq.
440 Jefferson Building
Towson, Md. 21204

DEPT: Zoning Dept. of Baltimore County

DEPOSIT TO ACCOUNT NO. 04-712

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL FINES
1	Advertising and posting of property for Major Realty, Inc. 562-357-R	20.00
1	12-250 3421 • 31902 TIF-	20.00

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.

MICROFILMED

TELEPHONE 833-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 32057
DATE 6/18/65

TO: William L. Jolly, Esq.
First National Bank Building
Towson, Maryland 21204

DEPT: Office of Planning & Zoning
119 County Office Bldg.
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO. 04-712

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL FINES
1	Cost of appeal - Property of Major Realty Co. No. 65-357-R	12.00
1	12-250 3421 • 32057 TIF-	12.00

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.

MICROFILMED

TELEPHONE 833-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

INVOICE No. 30596
DATE 6/1/65

TO: John P. Gorman, Esq.
Jefferson Building
Towson, Md. 21204

DEPT: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 04-712

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL FINES
1	Posting for Baltimore Planning for Major Realty, Inc. 65-357-R	12.00
1	12-250 3421 • 30596 TIF-	12.00

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.

MICROFILMED

PURDUM & JESCHKE
CONSULTING ENGINEERS & LAND SURVEYORS
215 MADRYLAND AVENUE
BALTIMORE 18, MARYLAND

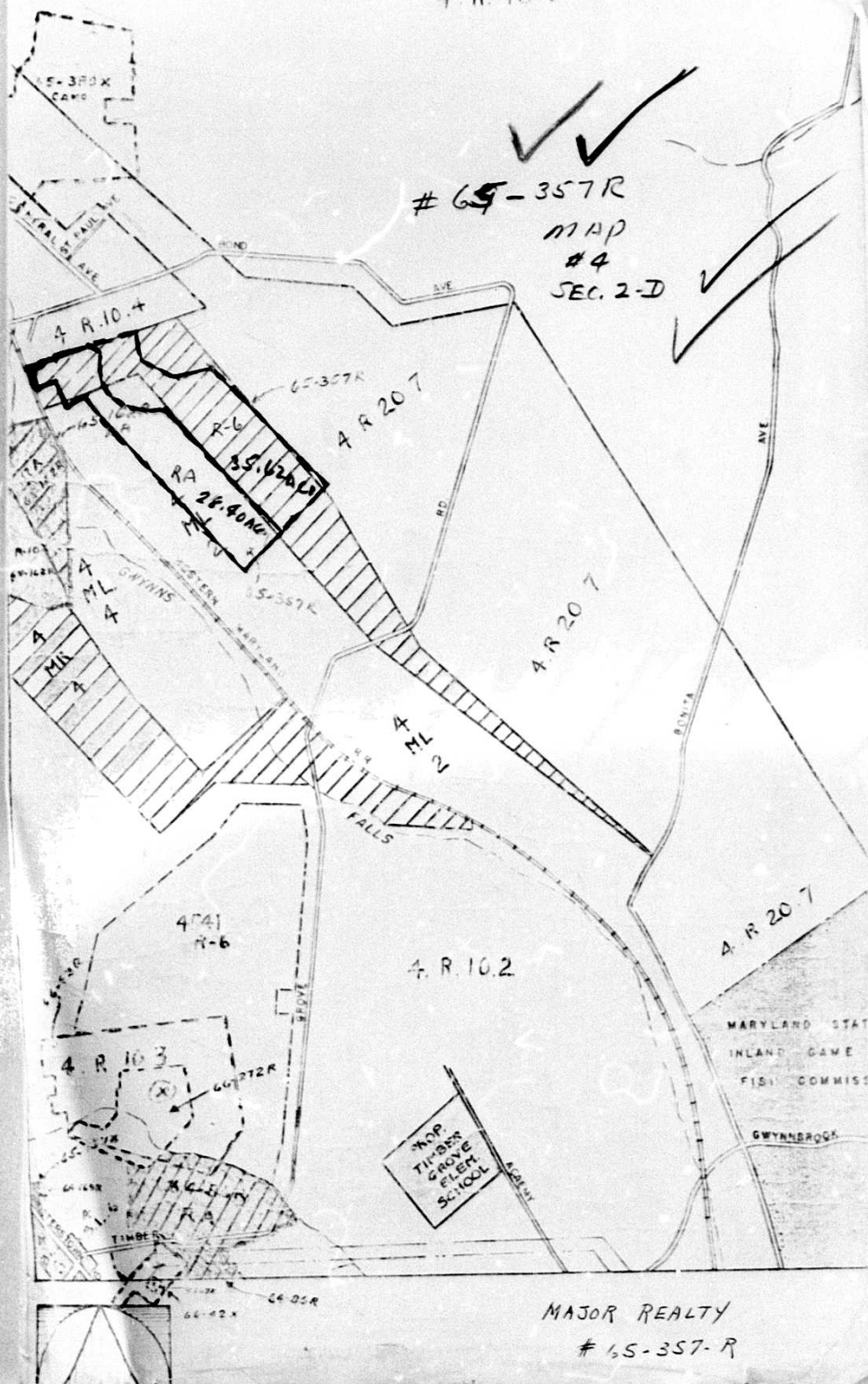
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✓✓
65-357R

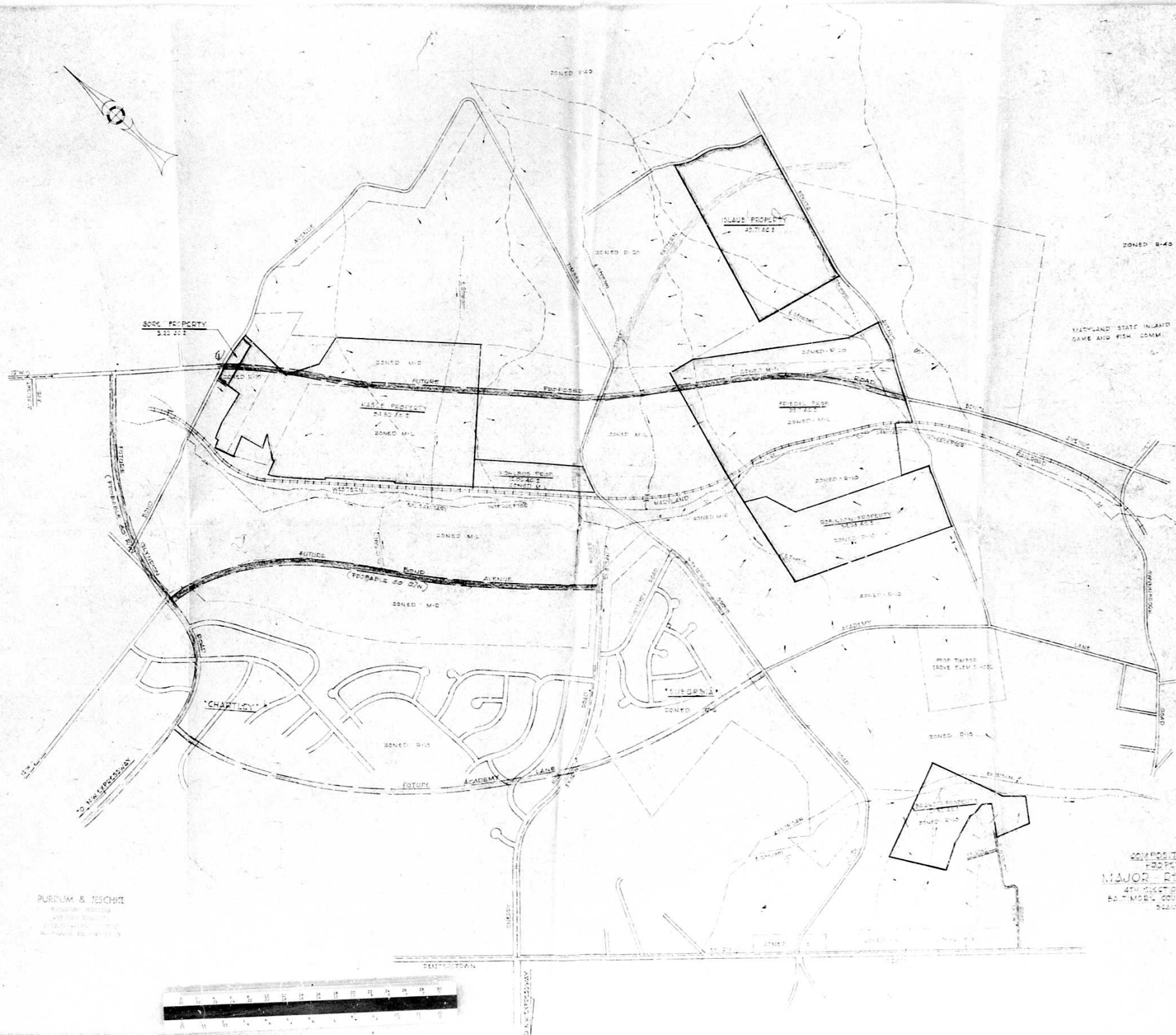
MAP

#4

SEC. 2-D ✓



MAJOR REALTY
65-357-R

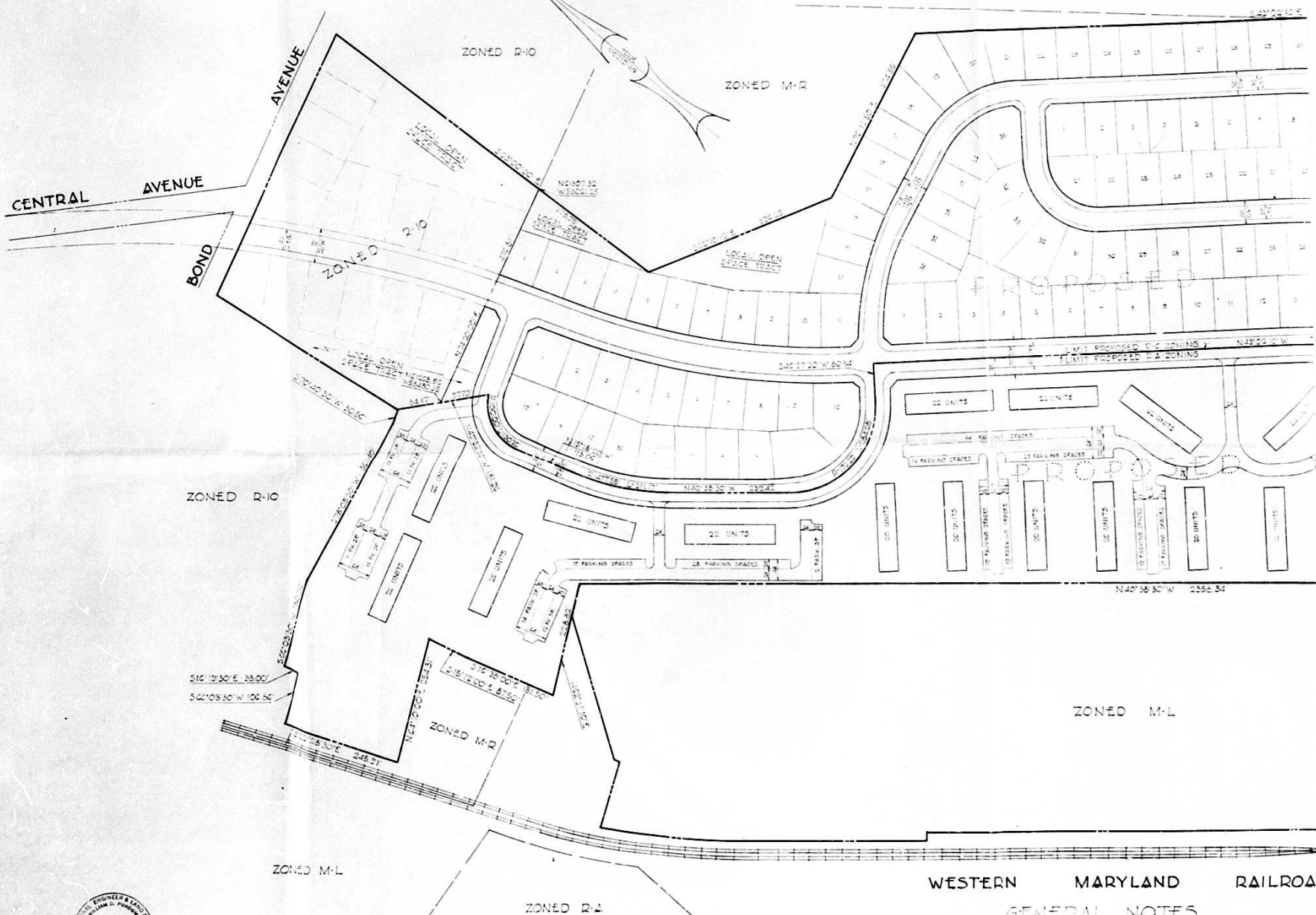


PURDUM & RESCHKE
ENGINEERS, ARCHITECTS
AND PLANNERS
1015 N. WASHINGTON ST.
BALTIMORE, MD. 21201

COMPOSITE LAYOUT
PROPERTY OF
MAJOR REALTY, INC.
4TH DISTRICT, DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE 1"=500'

MICROFILMED

ZONED R-20



GENERAL NOTES

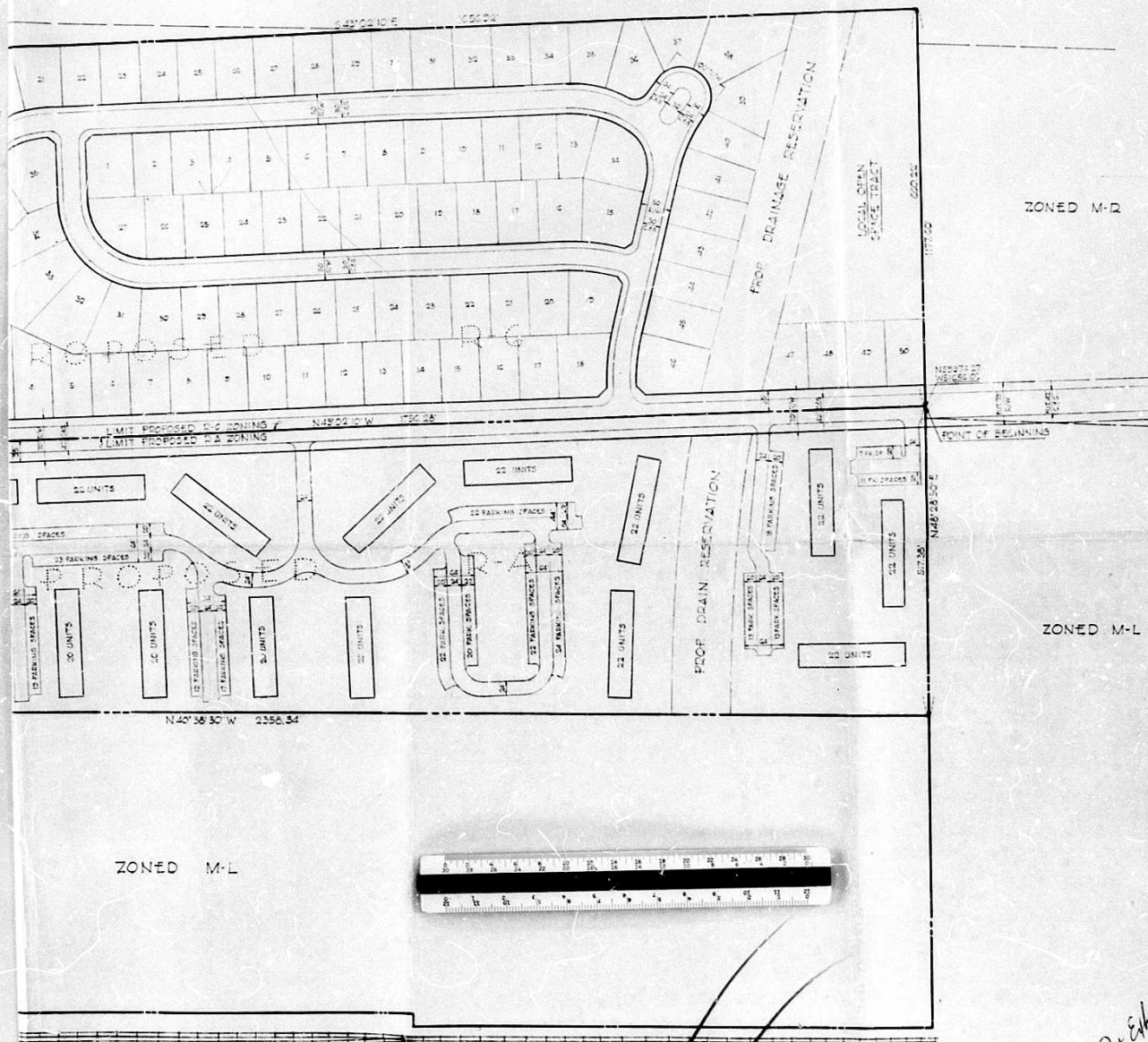
I. PROPOSED R-10 ZONING	II. PROPOSED R-16 ZONING
1. GROSS ACRES OF TRACT... 50.0 AC.	1. GROSS ACRES OF TRACT... 100.0 AC.
2. NET RESIDENTIAL ACRES... 47.0 AC.	2. GROSS RESIDENTIAL ACRES... 100.0 AC.
3. GROSS RESIDENTIAL ACRES... 50.0 AC.	3. NET RESIDENTIAL ACRES... 100.0 AC.
4. NET RESIDENTIAL ACRES... 48.0 AC.	4. NUMBER OF UNITS... 100
5. NUMBER OF LOTS... 100	5. GROSS RESIDENTIAL DENSITY... 1.0
6. GROSS RESIDENTIAL DENSITY... 1.0	6. NET RESIDENTIAL DENSITY... 1.0
7. NET RESIDENTIAL DENSITY... 1.0	7. NUMBER OF PARKING SPACES... 100



PURDUM & JESCHKE
CONSULTING ENGINEERS & LAND SURVEYORS
2415 MARYLAND AVENUE
BALTIMORE 18, MARYLAND



ZONED R-20



ZONED M-L



RN MARYLAND RAILROAD

GENERAL NOTES

PROPOSED R-20 ZONING	
1. GROSS ACRES OF TRACT.....	28.4 AC.
2. GROSS RESIDENTIAL ACRES.....	28.2 AC.
3. NET RESIDENTIAL ACRES.....	25.5 AC.
4. NUMBER OF UNITS.....	450
5. GROSS RESIDENTIAL DENSITY.....	10.0
6. NET RESIDENTIAL DENSITY.....	17.6
7. NUMBER OF PARKING SPACES.....	454

65-357R

PLAT TWO
TO ACCOMPANY APPLICATION
FOR REZONING
PROPERTY OF

MAJOR REALTY INC.

4TH ELEC. DIST. BALTIMORE CO., MD.
SCALE: 1"=100' FEBRUARY 18, 1965

Pet. Exp. #3
Signature

PROPOSED R-6
AREA = 35.02 AC±

M-R to R-6
AREA = 23.30 AC±

PROPOSED R-A
AREA = 28.40 AC±

M-L to R-A
AREA = 21.93 AC±

PROPOSED R-A
AREA = 21.93 AC±

Boundary Measurements:
 S 49° 02' E 728.11' LIMIT PROPOSED ROW BOWNS - L'
 N 89° 57' 27" W 175.02' 28'
 S 44° 12' 50" W 210.00'
 S 40° 06' 30" E 2358.34'

RAILROAD

M-L

PLAT ONE
TO ACCOMPANY APPLICATION
FOR REZONING
PROPERTY OF

MAJOR REALTY INC.
4TH. ELECT. DIST. - BALTIMORE COMD
SCALE: 1"=100' APRIL 5, 1965

65-357R

MAP

4
SEC. 2-D
NW-15-
NW-16-
NW-6-

$$\frac{R-6}{R-A}$$

R-A
NW-16-J