

RE: PETITION FOR RECLASSIFICATION
from R-10 zone to M-L-R zone
20/100, Dogwood Road and Belmont
Avenue, 1st District - James C.
Martin and Leslie W. Martin,
Petitioners

BEFORE
ZONING COMMISSION
OF
BALTIMORE COUNTY
No. 66-89-R

Petitioners have requested reclassification of property on the southwest corner of Dogwood Road and Belmont Avenue, in the First District of Baltimore County, from R-10 zone to M-L-R zone.

Property not too far distant to the south is zoned M-L-R and property to the north has just been approved for M-L-R zoning by the Circuit Court for Baltimore County.

Section 247 of the Baltimore County Zoning Regulations sets forth the purpose of M-L-R zoning as follows:

"to permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary thoroughfares so as to minimize the use of residential streets; to fill special locational needs of certain types of light industry, to permit planned dispersal of industrial employment centers so as to be conveniently and satisfactorily related to residential communities, and as transitional bands between residential or institutional areas and M-L or M-L-R zones."

The site in question and the building requested meet the necessary requirements. The property is not part or parcel of any existing residential development and the logical thing to have done when the present zoning map was adopted was to have zoned this property M-L-R.

There has therefore, been sufficient change to warrant granting the requested zoning. Furthermore, the original zoning was in error.

For the above reasons the above reclassification should be had.

It is this 14th day of October, 1965 by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 zone to M-L-R zone, subject to approval of the site plan for the development of said property by the Bureau of Public Services and the Office of Planning and Zoning.

James C. Martin
Petitioner

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James C. Martin, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-10 zone to an M-L-R zone; for the following reasons:

Error in original zoning and genuine change in conditions and Bringing new industry in Baltimore County.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Address: 20/100 Dogwood Road, 1st District, Baltimore County, Maryland 21204

W. Lee Harrison, Petitioner's Attorney

Address 607 Loyola Federal Building, Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of August, 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 4th day of October, 1965, at 2:00 o'clock P.M.

James C. Martin
Petitioner

RE: PETITION FOR RECLASSIFICATION
from an R-10 zone to an M-L-R zone
20/100, Dogwood Road and Belmont Avenue,
1st District - James C. Martin, et al,
Petitioners

OPINION

This matter comes before the Board of Appeals on petition of James C. Martin, et al, for the reclassification of approximately 4.2 acres of land from its present R-10 classification to M-L-R. This land is located at the southwest corner of Dogwood Road and Belmont Avenue in the First Election District of Baltimore County.

The frontage of the subject property along the south side of Dogwood Road extends approximately 210 feet. However, as the property extends in a southerly direction, the east side follows a fairly straight line directly parallel to Belmont Avenue, while the west boundary line extends southerly in a "keystone" manner so that the outline of the property on the zoning map appears as a semi-keystone.

To the north of the subject property, across Dogwood Road, is a large tract consisting of approximately 115 acres which was recently reclassified from R-5 to M-L-R and is referred to in the testimony of Robert V. McCurdy as the Meekins tract, Case No. 63-73-R. To the east of the subject property is a very narrow strip of R-10 land between Belmont Avenue and the Baltimore County Beltway. The land to the west and south of the subject property also has a present classification of R-10.

The petitioner, Mr. Martin, has resided on the subject property for approximately fifteen years. Mr. Charles Doll, who has resided in the neighborhood at the corner of Gordon Road and Belmont Avenue just south of the subject property for a period of twenty years, testified that the subject tract is being used and has been used as a contractor's equipment storage yard and that part of it is rented for use as a junk yard. Mr. Doll, who favors the subject reclassification, testified that his three acre tract is used for a residence and a dog kennel where he keeps up to twenty dogs at a given time.

Prior to the construction of the Baltimore County Beltway, which opened in July, 1962, Belmont Avenue extended in a northwesterly direction across what is now the Beltway. Testimony indicates that during 1962 Belmont Avenue was relocated so as to run directly north-south, adjacent to the east side of the subject property, and intersect with Dogwood Road. As Belmont Avenue extends south from the subject property it curves to the southwest one runs directly through a very large tract of M-L-R and M-L land. Belmont Avenue provides access to Security Boulevard just west of the Security

L. ALAN EVANS & ASSOCIATES
2000 BALTIMORE AVENUE, BALTIMORE, MD. 21214 - HAMMILL 6-2144
BALTIMORE - 200 POPULAR STREET - CAMBRIDGE, MD. 21613 - AG 8-3300
L. ALAN EVANS, LAND SURVEYOR
NORMAN C. EMERICH, ENGINEERING CONSULTANT
SURVEYORS AND CIVIL ENGINEERS

DESCRIPTION FOR RECLASSIFICATION FROM R-10 TO M-L-R
SOUTHWEST CORNER OF BELMONT AVENUE & DOGWOOD ROAD

BEGINNING for the same at the corner formed by the intersection of the south side of Dogwood Road with the west side of the new location of Belmont Avenue as shown on the State Roads Commission of Maryland plat No. 17612 and running thence and binding on the south side of Dogwood Road North 76 degrees 24 minutes West 210 feet, thence leaving said road and binding on the outline of the land of James C. Martin and wife the four following courses and distances, viz: South 13 degrees 36 minutes West 150 feet, North 76 degrees 24 minutes West 95.95 feet, South 10 degrees 01 minutes East 670.4 feet and North 74 degrees 46 minutes East 150 feet to the west side of the new location of Belmont Avenue and thence binding on the westernmost side of said Avenue the three following courses and distances, viz: North 9 degrees 00 minutes East 64.5 feet, North 35 degrees 30 minutes West 57 feet and North 13 degrees 36 minutes East 15 feet to the place of beginning.

Containing 4.20 acres of land more or less.



James C. Martin - #66-89-R

boulevard-Baltimore County Beltway interchange.

The contract purchaser of the subject property presently operates a small textile business employing between twenty and twenty-five persons in the heart of downtown Baltimore. His testimony indicates his intention to relocate this same business (which he has operated for thirty-eight years) on the subject property and to expand his work force up to a maximum of fifty employees. The products manufactured by this contract purchaser are very small in size and they are shipped to clothing manufacturers for ultimate incorporation into finished suits of clothing. Testimony indicated that the proposed manufacturing plant on the subject property would generate very little additional traffic.

In addition to the reclassification of the Meekins tract, referred to above, an additional parcel containing approximately eighty-five acres, and referred to in Mr. McCurdy's testimony as the Rutherford Airport tract, Case No. 65-174-R, was also recently reclassified to M-L-R. The reclassification of the Rutherford Airport tract has occurred since the decision of the Zoning Commissioner in this case, dated October 8, 1965, granting the reclassification of the subject tract to M-L-R and finding sufficient change in the character of the neighborhood to warrant said reclassification.

It is also the feeling of the Board of Appeals that there has been a substantial change in the character of the neighborhood of the subject property since the adoption of the land use map on November 15, 1962 to justify and warrant the proposed reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of April, 1966 by the County Board of Appeals, ORDERED that the reclassification 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

Bruce Alderman, Acting Chairman

W. Giles Parker

John A. Slowik

HARRY H. SWARTZWELDER, JR.
ATTORNEY AT LAW
November 2, 1965

Zoning Department-Baltimore County
County Office Building
Towson, Maryland

Attention: Mrs. Harris

Re: Case No. 66-89-R
James C. Martin, Petitioner

Dear Mrs. Harris:

Please note the names of Joseph F. Coursey and Shirley L. Coursey, 6711 Edward Avenue, as parties appellant in the above case.

Very truly yours,

Harry H. Swartzwelder, Jr.
Attorney at Law

HHS/cff

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose
Zoning Commissioner

FROM: Mr. H. B. Staab

SUBJECT: Zoning Advisory Committee Meeting

August 31, 1965
Item #3: 1st District
Property Owner: James Martin
Location: S/W Corner Dogwood Rd. and Belmont Ave.
2 acres - Proposed Zoning: M.L.R.

The subject site is located within close proximity of the interchange at the Beltway (I 695) and Security Boulevard. This is a rapidly growing area and land should be provided to allow job opportunities to be created for the expanded population.

The Industrial Development Commission recommends that this petition for reclassification to M.L.R. be granted.

H.B. Staab, Director
Industrial Development
Commission

GCH:HBS:sk

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

No. 33405
DATE 9/14/65

To: Mr. Lee Harrison, Esq.
Loyola Building
Towson, Md. 21204

Bill to: Zoning Dept. of Balto. Co.

DEBIT TO ACCOUNT NO.	01-422	TOTAL AMOUNT DUE
QUANTITY		
DETAILS UPPER SECTION A-D RETURN WITH YOUR REMITTANCE		
Petition for Reclassification for James C. Martin		50.00
66-89-R		
1965 1709 * 25005 TTP=		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.

Office of Planning and Zoning
Baltimore County Office Bldg.
Towson, Maryland 21204



Re: Petition for Reclassification
from R-10 zone to M-L-R zone
20/100, Dogwood Road and Belmont Avenue, 1st District - James C. Martin, et al,
Petitioners - No. 66-89-R

Dear Mr. Rose,
Please enter my name for an appeal concerning reclassification of the property mentioned above. The check in the amount of eighty dollars is enclosed with this letter.

Sincerely,
Betty Edlin Tucker

Mr. Schwartzwelder is our lawyer, 6713 Edward Ave.

PETITION FOR RECLASSIFICATION FROM B-10 TO M.L.R. LOCATION: 300' West of Belmont Road and Belmont Avenue, Towson, Md. DATE: 10/10/65 TIME: 10:00 A.M. COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MD. The undersigned, James C. Martin, of the County of Baltimore, State of Maryland, do hereby certify that the above described property is being offered for sale by public auction on the 10th day of October, 1965, at 10:00 A.M. at the County Office Building, 111 W. Chesapeake Avenue, Towson, Md. The undersigned, James C. Martin, of the County of Baltimore, State of Maryland, do hereby certify that the above described property is being offered for sale by public auction on the 10th day of October, 1965, at 10:00 A.M. at the County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 16, 1965
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of September, 1965, the 1st day of the month of September, 1965, the 1st day of the month of September, 1965, appearing on the 16th day of September, 1965.

THE JEFFERSONIAN

Manager.

Cost of Advertisement, \$.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 105
Posted for: James C. Martin, et al.
Petitioner: James C. Martin, et al.
Location of property: 300' West of Belmont Road and Belmont Avenue, Towson, Md.
Location of Signs: 300' West of Belmont Road and Belmont Avenue, Towson, Md.
Remarks: 3 signs
Posted by: James C. Martin, et al.
Date of return: 10/23/65

TELEPHONE 823-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 33452
DATE 10/7/65

TO: Shurtz Inc. Co.
Central Ave. & Nursery Rd.
Linthicum Heights, Md.

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$56.48
1	Advertising and posting of property for James Martin	\$56.48
1	66-89-2	
1	10-865 2444 * 3352 TTP-	\$6.00

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: George R. Gaykella
SUBJECT: 66-89-2, R-10 to M.L.R. S.W. corner Dogwood Road and Belmont Avenue. Being the property of James C. Martin et al.

1st District

HEARING: Wednesday, October 6, 1965 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-10 to M.L.R. zoning and has the following advisory comment to make with respect to pertinent planning factors:

1. The proposal for restrictive manufacturing zoning here is in accordance with planning studies which go beyond the scope of plans now in effect.

GEG:bms

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

W. Lee Harrison, Esquire
607 Loyola Federal Building
Towson, Maryland 21204

Dear Sir:

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

BUREAU OF ENGINEERING:
Water - Existing 10" water in Dogwood Road.
Sewer - Existing 12" sewer at Dogwood Road and Belmont Avenue intersection.
Adequacy of existing utilities to be determined by the developer or his engineer.
Storm Drain - A storm drain system exists at the intersection of Belmont Avenue and Dogwood Road.
Road - Belmont Avenue and Dogwood Road to be developed as minimum 10' curb and 6' x 7' roads on a 60' right of way.

OFFICE OF PLANNING AND ZONING-ZONING ADMINISTRATION DIVISION: Since the proposed factory and warehouse contains more than 10,000 square feet, one off street loading space should be indicated on the petitioners site plan. Screening should also be indicated on the southernmost side of the parking area. The 1' screening already indicated on the petitioners site plan should be extended to be the westernmost side of the proposed factory and warehouse.

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 Commissioner's hearing.

The following members had no comment to offer:

Fire Bureau-Plans Review
Health Department
Industrial Development Commission
Board of Education
Buildings Department
State Roads Commission
Bureau of Traffic Engineering

Very truly yours,

James C. Martin, et al.
Petitioner and Permit Processing

cc: Mr. Carlyle Brown-Bureau of Engineering
Mr. James H. Byer-Office of Planning and Zoning-
Zoning Administration Division

W. Lee Harrison, Esq.
Loyola Building
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

31st day of August, 1965.

Petitioner: James Martin
Petitioner's Attorney: W. Lee Harrison
Reviewed by: James S. Martin
Chairman of Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 105
Posted for: James C. Martin, et al.
Petitioner: James C. Martin, et al.
Location of property: 300' West of Belmont Road and Belmont Avenue, Towson, Md.
Location of Signs: 300' West of Belmont Road and Belmont Avenue, Towson, Md.
Remarks: 3 signs
Posted by: James C. Martin, et al.
Date of return: 10/23/65

TELEPHONE 823-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 33504
DATE 11/5/65

TO: Mr. Norman Tucker
6713 Edmond Avenue
Baltimore, Maryland 21207

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$80.00
1	Cost of appeal - James C. Martin, et al, petitioners	\$80.00
1	66-89-2	
1	11-865 2444 * 33504 TTP-	\$80.00

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 PUBLICATION

STATE OF MARYLAND
CITY OF BALTIMORE

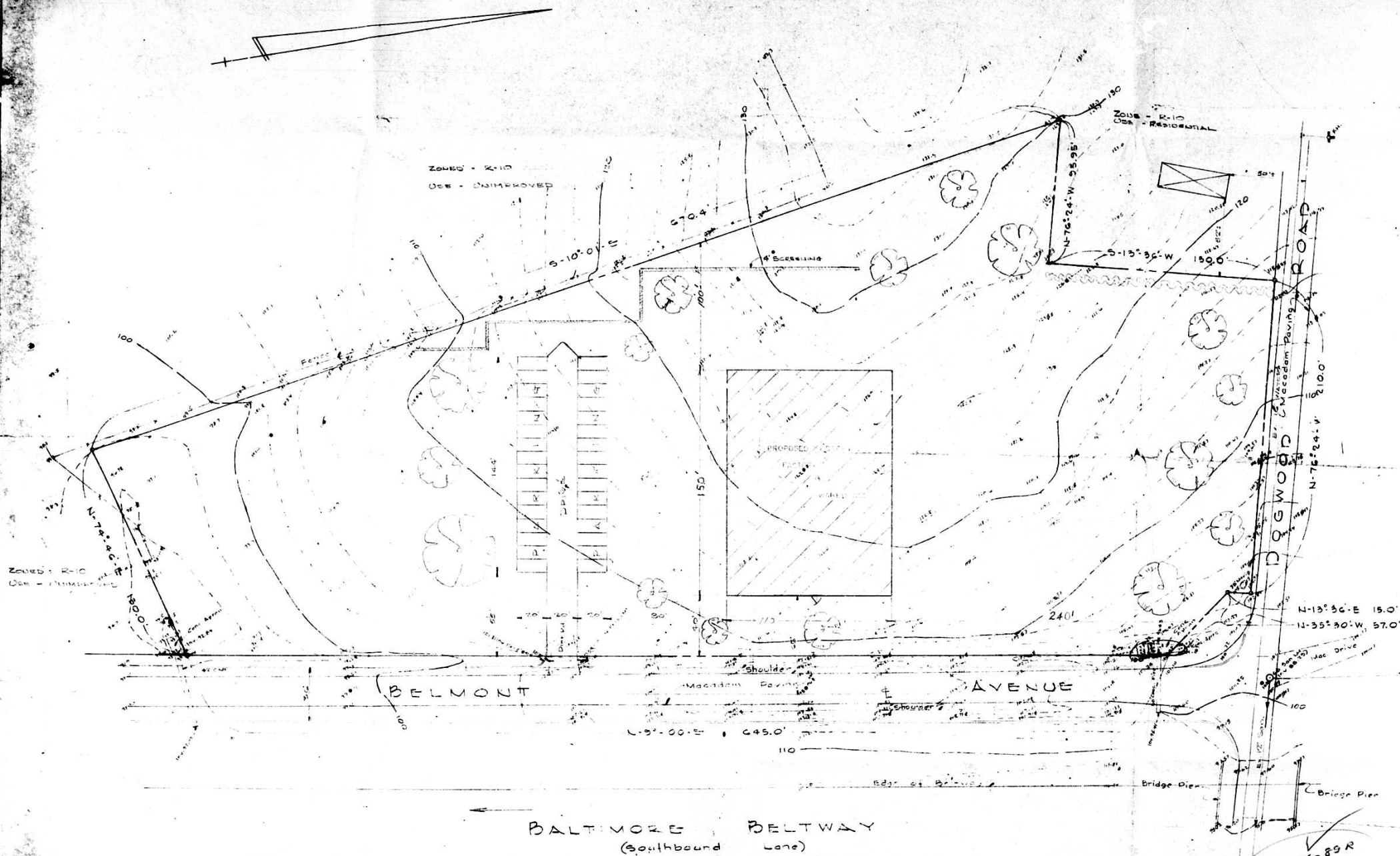
On Sept. 14, 1965
personally appeared before me, the undersigned, a Notary Public within and for said city and State, A. Schnackenberg, Chief Accountant of the News American newspaper published in the City of Baltimore, State of Maryland, who, being duly sworn, states on oath that the advertisement of

Baltimore County Office of Central Services

a true copy of which is hereto attached, was published in said newspaper in its issue dated Sept. 13, 1965

Subscribed and sworn to before me on September 15, 1965
Notary Public

PETITION FOR RECLASSIFICATION FROM B-10 TO M.L.R. LOCATION: 300' West of Belmont Road and Belmont Avenue, Towson, Md. DATE: 10/10/65 TIME: 10:00 A.M. COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MD. The undersigned, James C. Martin, of the County of Baltimore, State of Maryland, do hereby certify that the above described property is being offered for sale by public auction on the 10th day of October, 1965, at 10:00 A.M. at the County Office Building, 111 W. Chesapeake Avenue, Towson, Md.



PRESENT ZONE - R-10
 PROPOSED ZONE - M.L.R.
 PRESENT USE - VACANT
 PROPOSED USE - Warehouse & Factory
 PROPOSED PARKING - 22 SPACES (9' x 20')
 REQUIRED PARKING - MAX. NO. EMPLOYEES = 25
 1 FOR EACH 3 EMPLOYEES = 9
 AREA OF LOT - 4.20 ACRES
 ELECTION DISTRICT 122

Notes:
 ELEVATIONS SHOWN HEREON
 ARE ASSUMED.

DATE	REVISION	BY
8/17/69	1	DA
L. ALAN EVANS SURVEYORS & CIVIL ENGINEERS 4200 ELSTREE AVE. - PHONE NA 8-2144 BALTIMORE 14, MARYLAND - branch office - 6 NOTLAR STREET - PHONE AC 8-3330 CAMBRIDGE, MARYLAND STATE OF MARYLAND REG. NO. 2827 DATE: 8/17/69 SCALE: 1" = 50' Dwg. No.		