RE: Reclassification From R-10 to BL, Side and Rear Yard Variances For Howard E. Caltrider Located N/E S Westminster Road SE of Susquehanna Transmission right of way, 4th District (Item 1, November 16, 1965)

Zoning Commissione

SEC. 1-D NW-16-K

MAP

NW-17-K BL-A

Subject property consists of 1, 146 acres of land zoned R-(Residence, one family) located in the Fourth Flaction District of Baltimore County on the Northeast Side of the Westminster Hoad approximately one-half mile from Reisterstown. The property is improved by two balldings containing respectively two and four apartments, a frame dwelling and a building used as an automobile repair garage until this fall. The apartments have been on site at least since World War II and the garage had been in continuous operation since 1935. At the time of the adoption of the zoning map for this district on January 18, 1957, a coin operated laundry was in operation in the basement of the southernmost aparement. At various times prior to the adoption of the most recent map. the property had been used for the construction of septic tanks and truck end wagon bodies Immediately across the road from the subject property is the Reisterstown American Legion Hall which in addition to serving liquor to members. conducts weekly Bingo games and numerous other functions that attract a large volume of cars that utilize the petitioner's property for parking Next door to the American Legion Hall a beauty shop was conducted for some fifteen years and probably would have continued but for the death of the operator some three months ago. Approximately 270 feet south of the property on the same side of Westminster Road is a lunchroom and beside that a plumber's office and workshop, but of which were in operation at the time of the adoption of the zoning map. The perthern boundary of the subject property is adjacent to a triangular sarip of land 125 feet at its base and 40 feet at the apex separating the petitioner's property from the Susquehanna Transmission Company's right-of-way

and high tension electric transmission lines.

ZOUDIG DESCRIPTION

BALTIMORE, MD. 21234

BEDDEIDIG for the same on the northeasternmost side of Westminster Road (66 feet wide) shown on State Roads Commission Plat No. 4852 at a point distant 125 feet more or less southeasterly from the southernmost side of the right of way of the Susquehanna Transmission Company (overhead line), said point of beginning being in the second line of the first parcel of that tract of land which by deed dated April 29, 1965 and recorded among the Land Records of Baltimore County was conveyed by Carl C. Hauswald, Sr. et al to Howard E. Caltrider and wife, thence binding on the north-asternment side of said Westminster Road as shown on Jaid SRC Plat south 47 degrees 30 minutes east 215,86 feet to intersect the third line of the third parcel of said conveyance, thence leaving the side of said road and running raversely with and binding on a part of said line north 36 degrees 27 minutes east 294.59 feet to the beginning of said line, thence running reversely with and binding on the second line of the third and second parcels of said conveyance north 77 degrees 00 minutes west 141-50 feet, thence running reversely with and binding on the third line and part of the said line of said first parcel north 47 degrees 30 minutes west 60.00 feet and south 42 degrees 55 minutes west 223.67 feet to the place of beginning. CONTAINING 1.3A6 acres of land more or less.

MZING part of that tract of land which by deed dated April 29, 1965 and recorded among the Land Records of Baltimore County was conveyed by Carl C. Hauswald, Sr. et al to Howard E. Caltrider and wife.

Mrs. Ida Mr. kle, who resides on property immediately south of the subject site, has lived beside the Petitioners' property for approximately forty-five (45) years and has always been under the impression that it was zoned for business local uses. Since the Petitioners' purchase of the property this spring, it has been cleaned up and the garage which had catered to an auto racing crowd has been removed, much to the relief of Mrs. Markle. This garage was particularly offensive because of the late hours, profanity, and noise associated with its use. Mrs. Markle is in favor of the pending application because of the character of the neighborhood, the changes that have occurred in the area, and the volume of traffic on Westminster Road, a major traffic artery.

Mr. Edward Peltzer and Mrs. C. W. Naylor, both of whom live within one-quarter of a mile of the subject property are long time residents of the area who always thought the property was zoned for commercial use, because of sundry business enterprises that had been conducted on the premises over the past twenty-five (25) years. They are strongly in favor of the application, because of the pattern of land usage on this tract and are thankful that the garage is no longer on site.

In determining whether or not the e has been a mistake in the existing zoning or a change in conditions it is generally not necessary to distinguish whether a particular item is error or change. Rhode v. County Board of Appeals, 234 Md. 259; 199 A 2nd 216.

Reference to the comprehensive map shows that the de irability of building on the subject property is considerably lessened by the transmission lines and the fact that at the present time new larger towers are being erected for the transmission of electric power. The proposed connector to the Northwest Expressway is planned to cross Westminster Road approximately 400 feet to the south of the Petitioners' property and the State Roads Commission has acquired several tracts of land on Westminster Road pursuant to this plan. The construction of this major highway is reasonably probably of fruition in the foreseeable future as is the new outer Beltwayto be constructed several hundred feet north of subject property. Jobar Corporation v. Rodgers Forge Community Association, Inc. 236 Md. 106; 202 A 2nd 612. One of the more significant changes in the area and one having a depreciating effect on the subject property occurred two years ago when a pipeline csrrying both natural gas and petroleum products was constructed within the present electric company right-of-way. The

changing character of this neighborhood is further illustrated by Zoning Case No. 4817 in which the Hauswald tract approximately 108 feet to the northwest of the petitioner's property was reclassified to B. L. The long history of commercial use of the subject property when considered in light of the gas and power lines and the emerging road patterns leads to the conclusion that this property was not properly zoned on the current zoning map and that this land is not suited for residential development within the context of R - 10 zoning.

The petitioners, who have been in the furniture business for seventeen ( 17 ) years, propose to improve the former garage for use as a retail furniture showroom. The existing structures would violate rear and side yard set-back provisions under B. L. zoning. However, the petitioners cannot reasonably use the property for the purposes for which are proposed and for which it is adapted and to deny the requested variances would subject them to undue hardships peculiar to this property in that it would be necessary that the existing structures be removed. Loyola Federal Savings and Loan Association, 227 Md 243; 176A 2nd 355. For the above reasons the reclassification should be had.

It is this 30+4 day of December, 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 an R - 10 Zone to

As strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty and unnecessary hardship upon the petitioners and the requested variances would grant relief without substantial injury to the public health, safety and general welfare of the locality involved, it is further ORDERED that a variance to Section 232.2-b to permit a side vard of 2.7' instead of the required 15 feet and a variance to Section 232.3-b to permit a rear yard of 4' instead of the require1 20' should be and the same are hereby granted.

The size plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date. December 17, 1965 TO Mr. John G. Rose, Zoning Commissioner

FROM Mr. George E. Govrelis, Director

Office of Planning and Zoning
SUBJECT.
Pailtion %6-153-RA. Reclassification from R-10 to B. L. Zone, Variance to
permit a side yord of 2.7 feet instead of the required 15 feet; and to permit
a rear yard of 4 feet instead of the required 20 feet. 125 feet from the Southeast side of the Susquehanna Rifth-of-way and the Northeast side of Westm Being the property of Howard E. Caltrider and Katherine S. Cairrider.

HEARING: Wednesday, December 29, 1965. (11:00 a.m.)

The plunning staff of the Office of Planning and Zoning has reviewed the subject on and offers the following comments:

- The reclassification proposed under this petition is, of course, not in accord with the Comprehensive Zoning Mop for the 4th District nor, or for as we can determine, is it in accord with may other Comprehensive Plan. We do not see that a reclassification would nawer any legitimate need that it also berovided to by the 4th District map. It would appear that the reclassification is requested safely for the benefit of one property, without caged to the surrounding uses.
- Although the petitioner's plat shows the use of the property as a furniture repair and sales establishment, rezoning as requested could not hold the property to that use. The entire range of B.L. uses would be permitted.
- If the use shown on the petitioner's plot is non-conforming, we believe that the Zoning Regulations offer more than sufficient protection to the owner. If the use is not non-conforming but, rather, illegal, then, as we have stated before, we do not believe it incumbent upon the County

CERTIFICATE OF POSTING PARTMENT OF BALTIMORE COUNTY Towner, Maryland

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Petitioner: Manage Lattache	//
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Location of Signe 125 from the 38/24	the Engrehamm fix 1 1.1/s
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Posted by Signature	Date of return Acc, 10,1805
2 21/10	

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AIL TO DIVIS	SION OF COLLECTION & RECEIPTS, COURT HOUSE, TOW	

PETITION FOR ZONING RE-CLASSIFICATION

AND/OR SPECIAL EXCEPTION AND VARIANCE

1 .--

TO T.IE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Howard E. Caltrider and
I. or we, Katherine S. Caltrider....legal owner. of the property situate in Baltimon 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, pursuan 

B. L. zone: for the following reasons:

Change in the neighborhood, error in the Zoning Map

Variances: 232, 2b side yard - To permit a side yard of 2, 7' instead of the required 15

 $232, 3^{\mathbf{b}}$  rear yard - To permit a rear yard of  $4^{\mathbf{t}}$ instead of the required 20

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 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

Howard & Caltrider Legal Owner Address Westminster Road J. Elmer Weigheit, Jr. Reisterstown, Maryland .... Edward C. Covahey, Jr.
Petitioner's Attorney

Address 101 Jefferson Building, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this...... 166.th....

..., 195. 5. that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through e 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 17/1 29th Pu Prisy of December 19th , 21 L1 100.0'clock



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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

DW

Fremier 12, 1965

Edward C. Covahey, Jr, Ecquire 101 Jefferson Building Truson, Earyland 21204

HE: Esclansification From H-10 to BL Side and Hear Yard Variances For Howard E. Caltridger Located HE/S WesterInster Ed St. of Cusquehnne Transvission right of way, ith Interiet (Hem 1, Eccenter 16, 1965)

Dear Stre

The foring dvicery committee to reviouse the subject development plan.

The above comments are not intended to indicate the appropriateness of the rening action requested, but to assure that all parties are node mare of plans or problems that my laws a bearing on this core. The Director angler the equation of the office of Firming and coing will under recommentations on the appropriateness of the requested woning 10 days affects the Zening Confidence in hearing the days affect the Zening Confidence in hearing the days affect the Zening Confidence in the days affect the days

Very truly yours.

Janes S. Mar. Mief Petition and Permit Pro

Jadiyib

Registered Professional Engineer and Land Surveyor

PETITION FOR RECLASSIFICA-TIAN AND VARIANCE 4TH DISTRICT

IING: From R-19 to B.L. Zone. Pellion for Variance for man Rear Yards.

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## CERTIFICATE OF PUBLICATION

TOWSON, MD...... December S., ..., 19.55...

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., 64300 IR 2830h

of 1 time ..... successive weeks before the 29th .... day of \_\_\_\_\_\_name.her\_\_\_\_\_\_, 19.45., the first publication

DATE OF Washington Control of the Co THE JEFFERSONIAN, 20 feet. The Zoning Regulation to be The Zonlag Regulation to be excepted as follows:

2022 b Side Yard Section 2022 b Side Yard Streeter.

PATITION FOR
RECLASSIFICATION
AVAILANCE
ONNOS: From R-10 to ILacon. Petition for Variance for
Side and Bear Yards.
LOCATION: 125 feet from the
southeast side of the Susquand
hanna Right-of-way and the
Northeast side of

MERICANNING for the same on the method with the method of the visible and the same of the

30 minutes west 60.00 feet and south 42 degrees 55 minutes west 222.57 feet to the place of begin

CONTAINING 1.146 acres of

machine and the same of the sa

filed with the Zenorg ment.

Hearing Date: Wetnesday, De-cenber 29, 1965 at 11.00 AM, Public Hearing: Room 108; County Office Building, 111 W, Chesapeake Avenue, Townon, Md. BY ORDER OF JOHN G. ROSE, ZONING COMMISSIONER OF BALTIMORE, COUNTY, Dec. 9

County BEGINNING for the same of

Cost 6. Advertisement, \$... 20 feet All that parcel of land in the Fourth District of Baltimore

ORIGINAL OFFICE F

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS

THE HERALD - ARGUS

No. 1 Newburg Avenue

CATONSVILLE. MD.

December 13,

1965.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Bose, Loning Commissioner of

Bal timo re County was inserted in THE BALTIMORE COUNTIAN, a group of these weekly newspapers published in Baltimore County, Mary works weeks before land, once a week for One December, 1965, that is to say the 13th day of the same was inserted in the issues of

December 9 1965. THE BALTIMORE COUNTIAN

By Paul J Morgan Editor and Manager y

Edward C. Covehey, Jr., Esq. 10: Jefferson Building Touson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition has been received and accepted for filing this

JOHN G. ROSE Zoning Commissioner

Petitioner's Attorney Egnere C. Covaney, Jr. Chairman of

Advisory Committee

INVOICE BALTIMORE COUNTY, MARYLAND

No.35711 DATE 12/29/65

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

Caltrider Realty

BILLEY Zening Dept. of Balto. Co.

Reistersteam, Hd. 68.00 Advertising and posting of property 966-153-RA PARTY IN STREET GROUPS THE - COTTON OF FRENCH 6800 16 2965 6 5 6 1 · 35711 14P-

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

