

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

Subject property consists of 1.146 acres of land zoned R-10 (Residence, one family) located in the Fourth Election District of Baltimore County on the Northeast Side of the Westminister Road approximately one-half mile from Reisterstown. The property is improved by two buildings 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 apartment. 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 and 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 Westminister 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 northern boundary of the subject property is adjacent to a triangular strip 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.

David W. Dallas, Jr.

Civil Engineer

AREA CODE 301-665-7422

BALTIMORE, MD. 21234

8713 OLD HANFORD ROAD

ZONING DESCRIPTION

BEGINNING for the same on the northeasternmost side of Westminister Road (66 feet wide) as 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 O. Hauswald, Sr. et al to Howard E. Caltrider and wife, thence binding on the northeasternmost side of said Westminister Road as shown on said SEC Plat south 47 degrees 30 minutes east 215.96 feet to intersect the third line of the third parcel of said conveyance, thence leaving the side of said road and running reversely 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 1.146 acres of land more or less.

BEING 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 O. Hauswald, Sr. et al to Howard E. Caltrider and wife.

Mrs. Ida Markle, 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 Westminister 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 there 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. Rhoads v. County Board of Appeals, 234 Md. 259; 199 A 2nd 216.

Reference to the comprehensive map shows that the desirability 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 Westminister Road approximately 400 feet to the south of the Petitioners' property and the State Roads Commission has acquired several tracts of land on Westminister 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 Beltway to 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 carrying both natural gas and petroleum products was constructed within the present electric company right-of-way. The

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: December 17, 1965
FROM: Mr. George E. Gavrellis, Director Office of Planning and Zoning
SUBJECT: Petition 66-153-RA. Reclassification from R-10 to B.L. Zone, Variance to permit a side yard 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 Right-of-way and the Northeast side of Westminister Road. Being the property of Howard E. Caltrider and Katherine S. Caltrider.

4th District

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

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

- The reclassification proposed under this petition is, of course, not in accord with the Comprehensive Zoning Map for the 4th District - nor, as far as we can determine, is it in accord with any other Comprehensive Plan. We do not see that a reclassification would answer any legitimate need that is provided for by the 4th District map. It would appear that the reclassification is requested solely for the benefit of one property, without regard to the surrounding area.
- Although the petitioner's plot 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 to legalize it.

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 20th 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 a B - L Zone.

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 yard 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 required 20' should be and the same are hereby granted.

The site 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.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: Dec 11, 1965
Posted for: 10 days
Petitioner: Howard E. Caltrider
Location of property: 125 feet from the Southeast side of the Susquehanna Right-of-way and the Northeast side of Westminister Road.
Location of Signs: 125 feet from the Southeast side of the Susquehanna Right-of-way and the Northeast side of Westminister Road.
Remarks: 125 feet from the Southeast side of the Susquehanna Right-of-way and the Northeast side of Westminister Road.
Posted by: [Signature] Date of return: Dec 16, 1965

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 33559
DATE 12/24/65
TO: J. Elmer Weigelt, Jr., Esq.
101 Jefferson Building
Towson, Md. 21204
BILL TO: Zoning Dept. of Balto. Co.
DEPOSIT TO ACCOUNT NO. 00-000
QUANTITY: 1
DETACH LOWER SECTION AND RETURN WITH YOUR REMITTANCE
Total Amount: \$0.00
Amount Paid: \$0.00
Amount Due: \$0.00
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.

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Howard E. Caltrider and
I, or we, Katherine S. Caltrider, legal owner(s) 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 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'
232.3b rear yard - To permit a rear yard of 4' 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 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: [Signature]
Legal Owner: [Signature]
Address: Westminister Road
Reisterstown, Maryland
J. Elmer Weigelt, Jr., Esq.
Edward C. Covalex, Jr., Esq.
Petitioner's Attorney
Protestant's Attorney

Address: 101 Jefferson Building, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of November, 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 17th day of December, 1965, at 11:00 o'clock.



Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MD. 21204
GEORGE E. GAVRELLIS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Edward C. Covalex, Jr., Esquire
101 Jefferson Building
Towson, Maryland 21204

RE: Reclassification From R-10 to B.L. Side and Rear Yard Variances For Howard E. Caltrider Located NW/4 Westminister Rd SE of Susquehanna Transmission Right of way, 4th District (Item 1, November 16, 1965)

Dear Sir:
The zoning advisory committee has reviewed the subject petition and has no comment to offer with regard to the proposed development plan.

The above comments are not intended to indicate 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.

Very truly yours,
[Signature]
Petition and Permit Processing

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.

