RE: PETITION FOR RECLASSIFICATION : from an R-6 zone to an R-A zone
N/S Westfield Road 146' West of
Manor Road,
12th District George O. Diekman, et al, Petitioners

BEFORE VALUE-168 P COUNTY BOARD OF APPEALS mn/2 OF

#12 PALTIMORE COUNTY SEL.4A No. 66-168-3 SE-3F SE.28

RA

The petitioners in this case seek a reclassification from an R-6 zone to an R-A zone for a sixteen (16) acre tract of ground situated north of Holabird Avenue and 146 feet west of Manor Road in the Twelfth Election District of Baltimore County. The petitioners propose to erect 240 garden type apartment units on the subject property.

OPINION

The contract purchaser of the property, Mr. Scarfield who is a builder and developer and has developed other apartment projects in the Dundalk area, testified that there was a strong demand for apartments in this area and that the four other projects he has developed have all been fully occupied since they were opened. He also stated that the property was too expensive to develop in its present R-6 classification, and that his contract with the owners is not contingent upon the reclassification of the property.

T. Richard Fitzell, an active realtor in the area testifying on behalf of the setitioners, stated that he has seen a large change in the character of the neighborhood from form uses to commercial and residential, and many changes in residential uses from individual houses to apartments. He further stated that his office receives fifty to sevenlyfive calls a day from persons seeking apartments in the Dundalk area, and that he now has in his office eighty-two applications made by persons seeking to rent apartments in the area.

David Dallas, an engineer appearing on behost of the petitioners, testified that the property is served with all utilities, and that the water and sewer facilities available to the property are more than adequate to serve the proposed apartment project. The petitioners' exhibit #2 was introduced through Mr. Dallas and is marked off in four areas; A, B, C and D, to show the drainage areas. He stated that parcels A, B and C would all Grain toward Holobird Avenue and/or Westfield Road, and that the only storm water that could possibly reach the Dunlea Apartments (owned by the sale protestant) would be from area D.

The sole protestant is a Mr. M. Hooke who is also a builder and developer, and who presently owns the Dunlea Apartments which are approximately four to five blacks from the subject tract. Mr. Hooke was successful in obtaining a reclassification for a fifteen acre tract of ground to K-A approximately five and one-half blocks away within the past two months (Case No. 64-89-R - Herbert H. Hildesheim). Mr. Hooke's only ab trion to the reclassification of the subject tract is his fear that storm water from the

George O. Diekman, et al - #66-168-R

Diekman tract may flood the Dunlea Apartments owned by him. The Board does not find, from the testimony, that the subject tract in any way causes excess storm water to flood Mr. Hooke's property which is approximately four blacks to the east of the subject tract. It seems to the Board that if there is any storm drainage problem existing it would be alleviated rather than aggravated by the development of the subject tract as proposed. It also appears, from the testimony, that Mr. Hooke by reason of his refusal to co-operate with Baltimore County in redesigning the storm drains in the vicinity of the Dunlea Apartments has, in some degree, caused his own problem.

- 2 -

#66-168P

There is ample testimony in the record of a complete change in the character of the neighborhood since 1956 (the date of the adoption of the present zoning map by Baltimore County) to justify the requested reclassification. Therefore, for the reasons given above the Board will grant the petitioners' request for reclassification from an R-6 zone to an R-A zone.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 25th day of July, 1966 by the County Board of Appeals, OR DERED 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

William S. Baldwin, Chairman

Paul T. McHenry. Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Mr. John G. Rose, Zoning Commissioner
Mr. George E. Gavrells, Director
FROM. Office of Planning and Zoning

Petition 66-168-R. R-6 to R.A. North side of Westfield Road 146 feet West of Monor Road. Being the property of George O. Diekmann, et al.

12th District

HEARING: Wednesday, January 12, 1966. (10:00 a.m.)

The planning staff of the Office of Planning and Zoning has reviewed the

- 1. The subject tract is close to an area designated on the Composite The Woject tract is close to an area designated on the Composite Outdeplan as and being developed as a community core facility. The topography of the site is such that cottage development might be difficult. The tract has direct access to holbrid Avenue, which is a major thoroughdue. For these reasons, opertment zoning and development could be appropriate here.
- The Patapsco Neck Master Plan identifies the northerly portion of the subject property as a locality playground. We are, therefore, forwarding a copy of these comments together with a plot to the Department of Recreation and Parks for comment.

BALTIMORE COUNTY CAFIGE OF PLANNING AND ZONING TOWNER, MARYLAND 21206

John W. Armiger, Esquire 200 Padonia Road East Cockeysville, Maryland 21030

NAMECT: Reclassification From Re-6 to RA
For Goorye O. Kleimann et al
Located N/S Westfield Road
W of Mance Road, 12th District
(Item h, November 30, 1965)

...

the Zoning Advisory Countities has reviewed the subject potition and makes

BUREAU OF TEAPFIC ENGINEERING: Any access to Holabird Avenue should be opposite Dunmere

OFFICE OF PLANNING AND ZONING: The Project Planning Division will review and comment #2

BUREAU OF EMOLECACION

Mater - Existing 00 water in Holabird Avenue, existing 8" water in Westfield Road,
Sower - Existing 00 sever in Holabird Avenue am in Hanor Road.
Adequacy of sxisting william to be determined by developer or his angineer.
Road - It appears that a re-alignment of the roads shown on the substitute plat is
necessary in order to achieve a more practical road pattern and to climitate unaccessary
public review. Noads within this site will be developed as minimum bol roads on 60'

The above comments are not intended to indicate the appropriateness of the social setting requested, but to assure that all parties are note surer of plans or problems than yourse bearing on this case. The library analysis to length plane of the rates of Plans or all coning will subsit recommendations on the appropriateness of the requested sending 10 depth before the Joining consistenciers bearing.

The following members had no comment to offer:

Fire Eureau--Plans Review Health Department Industrial Development Gessission Board of Education Brikeings Department

Very truly yours

JEUrylb

oc: Mr. C. Bichard Moore-Bureau of Traffic Mr. Albert V. Quirby-Project Planning I Mr. Carlyle Brown-Bureau of Engineering

#66-168P

#66-168R

Pursuant to the adverticement, posting of property, and public hearing on the above petition and xxXVIARARXNIGHTMAN Day recommends the perfitioner having proven error in toning the subject property R-6 and that sufficient change in the area had taken place to warrant the rezoning. the above Reclassification should be had: and Hafurther appearing that he reason after xxxxxxx

PETITION FOR ZONING RE-CLASSIFICATION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
George O. Dickmann, Charlette M. Dickmann, C. May Dickmann, map
Mcce we. Anna M. Martin and Legal center. of the property situate in Baltimore #12

d pursuant &C. 4A

RA

55.2F

AND/OR SPECIAL EXCEPTION

County and which is described in the description and plat attached hereto and made a part here-

zone: for the following reasons:

(b) Change in the neighborhood since the adoption of the 12th Election

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baitimore

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 Zonin: Law for Baltimor

GEORGE O. DIEKMANN

CHARLOTTE M. DIEKMANN

C 7hay or Amarin ABBOTT W. MARTIN

Glory W Martin

Zonung Commissioner of Baltimore County.

XXXXXX C. MAY DIEKMANN

Property is to be ussted and advertised as prescribed by Zoning Regulations. or we, agree to pay expenses of above re-classification and/or Special Exception advertising

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

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through

out 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 he 125h day of January / 196, 6, at 16100 o'clock

nereby petition (1) that the zoning status of the herein described property be re-class

to the Zoning Law of Baltimore County, from an R-6

(a) Error in original zoning, as exemplified by

Contract purchaser

D strict Land Use Man.

County, to use the herein described property, for

John W. Armiger-Petitioner Attorney

Address 200 Padonia Road East Cockeysville, Maryland 21030

Address

Á. M

1.1.m.

IT IS ORDERED by the Zoning Commissioner of Ballimore County this ... day of January 1966, that the herein described property or area should be and the same is hereby reclassified; from a.n. 8-6 zone to a.n. 8-A zone, and one a Special Exception dor next executive executive executive states for same tree sa none, and one of the state of this order, subject to approved of the site plan by granted from and after the date of this order, subject to approved of the site plan by great of Public Services and the Officerof Planning and Joynes Turket Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
it appearing that by reason of
above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE

GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ..., 196..., that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and ____zone; and/or the Special Exception for_____be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFIL MED

David W. Dallas, Jr. -108 P-Civil Engineer * 66

REGISTERED PROFESSIONAL | NGINEER AND LAND SURVEYOR

WILL OUD HARFORD ROAD BALTIMORE, MD. 21234 AREA CODE 301-665-7422

ZOOTHA DESCRIPTION (R-A)

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David W. Dallas.

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

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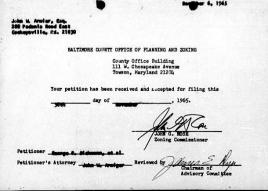
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North 15.29 acres of last more or less

BALTIMOKE, MD. 21234 AREA CODE 301-665-7422

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TELEPHONE 023-3000	BALTILORE COUN OFFICE OF Division of Collection COUNT IN TOWSON, MARY	FINANCE or and Renders of LAND 21294	No.35767	
To: So	unders M. Almend, dr., Enq., nifer Building useen, Meryland 2/204	origin of Plane 119 County Offic Tenton, Marylad	ing & Zoning & Bidg. , 21204	
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To: Jabo 200 I Costa	terfield Aralger, Esp. Judelle Reed Espt ggorling Ad, 2000	MAN Saning Sapin of	Balton, Co.	
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To:	TOWSON, MARY	LAND 21204	1 V	

Report	appeal	#66 128-R
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Location of Signs: D. 1.0	n Hailbis an	front of Signer File & Color marent let.
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Phillips Street Chief of Law Olivins Williams

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CERTIFICATE OF PUBLICATION

OFFICE OF The Community Press

DUNDALK, MD., December 22,

THIS IS TO CERTIFY, that the annexed advertisement of

"George C. Diekmann"

was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 1 successive weeks before the

21st day of December 19 65; that is to say,

the same was inserted in the issues of 12-22-65

Stromberg Publications, Inc.

Mrs. Palmer Price

STITION FOR RECLASSIFIC ZONING: From R-6 to R.A. Zone. LOCATION: North side of Westfield Road 116 feet West of Manor Reed 116 feet West of Manor Reed.
Died. THEE: Weefneedey, January 12, 1846 at 1870 A.M.
FUBLIC REASING: Room 181, Company 10 fifte Building, 111 W. Chesspeake Avenue, Tayson, Maryland.

CERTIFICATE OF PUBLICATION

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

day of _____Javkery_____, 1954_, the first publication appearing on the __llrd___day of ____leco_mar___ 19.65

THE JEFFERSONIAN,

& Leank Strutter

