

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Roselyn M. Shecter, Alan Shecter, and
Mark Shecter, 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, #2
hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the
to the Zoning Law of Baltimore County, from an R-40 zone to an RA zone for the following reasons:

That there has been a substantial change in the area, making the highest and best use of said property R-A Zoning.

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: Alan Shecter
Address: 1800 N. Charles Street
Baltimore, Maryland 21201
Legal Owner's
Address: 1800 N. Charles Street
Baltimore, Maryland 21201
M. Jacqueline McCurdy
Petitioner's Attorney
203 W. Chesapeake Ave.
Address: Towson, Md. Maryland
4103-8220

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March 1967, 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 1st day of May 1967, at 2:00 o'clock P.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Chairman
TO: Mr. Morris Brown, Engineering
TO: Mr. Richard Moore, Traffic
FROM: Mr. Alan Shecter
Date: March 21, 1967

SUBJECT: Proposed Special Exception
Location: S/S Old McDonough Road, 85' E. of Western Maryland R.R.
District: 3rd
Present Zoning: R-40
Proposed Zoning: R-A

1. It shall be required to provide water mains and fire hydrants in accordance with the Baltimore County Standard Design Manual, 1964 edition, pages W2 - W3.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-40 to R-A : COUNTY BOARD OF APPEALS
S/S Old McDonough Rd. 85' :
E. Western Md. RR and the : OF
present McDonough Road :
3rd District : BALTIMORE COUNTY
Alan Shecter, et al, :
Petitioners : No. 67-206-R

ORDER OF DISMISSAL

Petition of Alan Shecter, et al, for reclassification from R-40 to R-A on property located on the south side of Old McDonough Road 85' east of Western Maryland Railroad and the present McDonough Road, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter to Dismiss Appeal filed September 24, 1973 (a copy of which is attached hereto and made a part hereof) from the petitioner-appellant in the above entitled matter.

WHEREAS, said petitioner-appellant requests that the appeal filed on behalf of the petitioner be dismissed and withdrawn as of September 24, 1973.

IT IS HEREBY ORDERED this 24th day of September, 1973, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Giles Parker

Walter A. Kemer, Jr.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MD. 21204

M. Jacqueline McCurdy
203 W. Chesapeake Avenue
Towson, Maryland 21204

Subject: Reclassification from R-40 to RA
for Alan Shecter, et al, located
S/S Old McDonough Road E of
Western Maryland R.R. - 3rd
District
(Item 1, March 21, 1967)

April 4, 1967

Dear Miss McCurdy:

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

BUREAU OF ENGINEERING

Water - Water main (16") exists in Rolleston Road approximately 5000' east of this site. Sewer - Existing 36" sanitary sewer mains along Gryvans Falls. An extension to serve the subject site from this line would require tunneling or jacking under the Western Maryland Railroad tracks. Road - McDonough Road has been realigned by the State Roads Commission as indicated on the submitted plan. Adequacy of existing utilities to be determined by developer or his engineer.

FIRE BUREAU - It shall be required to provide water mains and fire hydrants in accordance with the Baltimore County Standard Design Manual, 1964 edition, pages W2 - W3.

HEALTH DEPARTMENT - Since public water and sewer can be made available to this site, this Office has no comment.

STATE ROADS COMMISSION - The entrance must have a minimum width of 25 feet and be channelized with 8" x 22" concrete curb. The road side curb must be 3'6" from and parallel to the edge of the paving of McDonough Road. It appears that it would be difficult to contain the entrance channelization within the property frontage, due to the alignment and steep grade on McDonough Road to the East and the close proximity of the bridge to the West. Access to this location would be extremely hazardous.

TRAFFIC ENGINEERING - The Bureau is in complete agreement with the State Roads Commission. In addition the long private drive is undesirable because in the event the road is closed for any reason and it would be necessary for emergency vehicles to be called, there would not be any access to the apartment site.

PROJECT PLANNING - The shape and location of the subject property is such that a 100' distance between the dwellings and the railroad cannot be maintained. Since this requirement represents a reasonable standard and will also probably be enacted into law before the proposed apartments can be approved for construction, the application should be denied.

ZONING ADMINISTRATION DIVISION - If the Petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

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: Building Engineer, Board of Education, Industrial Development.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
S/S Old McDonough Road 85' E of the : DEPUTY ZONING
Western Maryland Railroad and present :
McDonough Road - 3rd District : COMMISSIONER
Alan Shecter, et al, Petitioner : OF
NO. 67-206-R : BALTIMORE COUNTY

The Petitioner seeks a reclassification of his property, consisting of approximately two acres of land from an R-40 zone to an RA zone. Plans call for the construction of 35 garden type apartments with 56 off-street parking spaces.

The land was described as being a long narrow strip running parallel and adjacent to the Western Maryland railroad.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to show error in the original zoning map or such changes in the character of the neighborhood to justify the rezoning sought.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24th day of October, 1967, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an R-40 zone.

Edward D. Hardisty
DEPUTY ZONING COMMISSIONER

ORDER RECEIVED FOR FILING
DATE 10/30/67
BY J. E. Hardisty
ADMINISTRATIVE ASSISTANT

PETITION FOR RECLASSIFICATION
S/S Old McDonough Road E of
Western Maryland R.R. --
3rd District, Alan Shecter,
et al, Petitioners.
67-206-R

BEFORE THE
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Mr. Clerk:

Please enter an Appeal from the order of the Deputy Zoning Commissioner entered in this case on October 30, 1967 on behalf of Alan Shecter, Mark Shecter and Roselyn M. Shecter, the Petitioners.

Alan Shecter
Alan Shecter
1800 North Charles Street
Baltimore, Maryland 21201



M. Jacqueline McCurdy
April 4, 1967
Page 2

Very truly yours,

James E. Dyer
JAMES E. DYER
Principal Zoning Technician

JED/jde

cc: Carlyle Brown, Engineering; Lt. Morris, Fire Bureau; Mr. Greenwalt, Health; John Meyers, State Roads Commission; Richard Moore, Traffic; Albert Quimby, Planning

ALAN
SHECTER

September 21, 1973

County Board of Appeals
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: John A. Slowik, Chairman

RE: 67-206-R

Dear Sir:

In accordance with your letter of September 4, 1973, please dismiss this case.

Yours truly,
Alan Shecter
Alan Shecter

AS:ma

Rec'd 9-24-73
9:45 AM

RECLASSIFICATION R-40 to R-4

67-206-R
#3
SER. 2-2
NW-9-9
RA

BEING part of the same on the south side of the old McDonough Road at a point distant 96 feet more or less measured easterly from the intersection of the center between tracks of the Western Maryland Railroad and the present McDonough Road as shown on State Roads Commission Plat No. 3622, said point of beginning being at the fifth or south 17 degrees east 3/4 parcel line of the third parcel of that tract of land which by deed dated September 29, 1909 and recorded among the Land Records of Baltimore County in Liber WPC No. 516 folio 324 etc. was conveyed by Barbara C. Hoffman to William C. Voland and wife, thence running with and binding on said fifth line and the sixth line of said deed south 14 degrees 42 minutes east in all 726.13 feet to the end of said sixth line, thence running with and binding on the seventh and part of the last line of said deed the two following courses and distances south 1 degree 42 minutes east 217.25 feet to north 64 degrees 29 minutes 13 seconds west 124.91 feet to intersect the right of way of the Western Maryland Railway Company, thence binding on the easternmost side of said right of way north 19 degrees 42 minutes west 115.16 feet to the end of the fifth line of the second parcel of that tract of land which by deed dated May 21, 1940 and recorded among the Land Records of Baltimore County in Liber WPC No. 1107 folio 500 etc. was conveyed by Trustees of McDonough Educational Fund and Institute to Western Maryland Railway Company, thence running reversely with and binding on said fifth, the fourth, third and part of the second line of said second parcel of land four following courses and distances north 3 degrees 12 minutes east 86.98 feet, north 11 degrees 12 minutes west 874.63 feet, south 76 degrees 51 minutes east 24.96 feet, and thence by a line curving to the east with a radius of 2814.93 feet for a distance of 47.50 feet to the said south side of the old McDonough Road, thence bounding on the south side of said road north 76 degrees 48 minutes east 47.50 feet to the place of beginning.

CONTAINING 2.162 acres of land more or less.

BEING part of that tract of land which by deed dated July 2, 1939 and recorded among the Land Records of Baltimore County in Liber WPC No. 516 folio 69 etc. was conveyed by George E. Roberts and wife to Louis S. Shearer et al.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 21, 1967

FROM: George E. Gavrilis, Director

SUBJECT: Petition 67-206-R. Reclassification from R-40 to R-4. South side of Old McDonough Road 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.

3rd District

HEARING: Monday, May 1, 1967 (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. From a planning viewpoint, reclassification of the subject property as proposed would be spot zoning. It would grossly increase the use potentials of this property to a highly incongruous degree in relation to adjacent land which is similarly situated. We do not see that the subject proposal bears any conceivable relation to a comprehensive plan - past, present, or future.
2. Experience has shown all too clearly that a reclassification of this nature would easily lead to similar reclassifications of property nearby, possibly resulting in an eventual but severe imbalance of land use.
3. It is manifest that the subject property, because of its shape, is not well suited for development, including apartment development. We hold that an accident of ownership should not require a zoning reclassification for the property owner's possible relief. In fact, we question that there exists any circumstance of unreasonable governmental restraint from which relief should be sought. Is it incumbent upon the County to allow some kind of development on any private land, no matter what its size or shape? If a man owned a four-by-four plot in the Courthouse Square, should his parcel be zoned so as to allow construction of a hot-dog stand?

PETITION FOR RECLASSIFICATION
3rd DISTRICT
ZONING: From R-40 to R-4.
LOCATION: South side of Old McDonough Road 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.
DATE & TIME: MONDAY, MAY 1, 1967 at 2:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Present Zoning: R-40
Proposed Zoning: R-4
All that parcel of land in the Third District of Baltimore County, to-wit: the south side of the old McDonough Road at a point distant 96 feet more or less measured easterly from the intersection of the center between tracks of the Western Maryland Railroad and the present McDonough Road as shown on State Roads Commission Plat No. 3622, said point of beginning being at the fifth or south 17 degrees east 3/4 parcel line of the third parcel of that tract of land which by deed dated September 29, 1909 and recorded among the Land Records of Baltimore County in Liber WPC No. 516 folio 324 etc. was conveyed by Barbara C. Hoffman to William C. Voland and wife, thence running with and binding on said fifth line and the sixth line of said deed south 14 degrees 42 minutes east in all 726.13 feet to the end of said sixth line, thence running with and binding on the seventh and part of the last line of said deed the two following courses and distances south 1 degree 42 minutes east 217.25 feet to north 64 degrees 29 minutes 13 seconds west 124.91 feet to intersect the right of way of the Western Maryland Railway Company, thence binding on the easternmost side of said right of way north 19 degrees 42 minutes west 115.16 feet to the end of the fifth line of the second parcel of that tract of land which by deed dated May 21, 1940 and recorded among the Land Records of Baltimore County in Liber WPC No. 1107 folio 500 etc. was conveyed by Trustees of McDonough Educational Fund and Institute to Western Maryland Railway Company, thence running reversely with and binding on said fifth, the fourth, third and part of the second line of said second parcel of land four following courses and distances north 3 degrees 12 minutes east 86.98 feet, north 11 degrees 12 minutes west 874.63 feet, south 76 degrees 51 minutes east 24.96 feet, and thence by a line curving to the east with a radius of 2814.93 feet for a distance of 47.50 feet to the said south side of the old McDonough Road, thence bounding on the south side of said road north 76 degrees 48 minutes east 47.50 feet to the place of beginning.

OFFICE OF THE BALTIMORE COUNTY

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Catonville, Md.

CATONVILLE, MD.

April 17, 1967

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 17th day of April, 1967, that is to say the same was inserted in the issues of

THE BALTIMORE COUNTIAN

By: Paul J. Morgan
Editor and Manager, E.M.

PETITION FOR RECLASSIFICATION
AND DISTRICT
ZONING: From R-40 to R-4.
LOCATION: South side of Old McDonough Road at a point distant 96 feet more or less measured easterly from the intersection of the center between tracks of the Western Maryland Railroad and the present McDonough Road as shown on State Roads Commission Plat No. 3622, said point of beginning being at the fifth or south 17 degrees east 3/4 parcel line of the third parcel of that tract of land which by deed dated September 29, 1909 and recorded among the Land Records of Baltimore County in Liber WPC No. 516 folio 324 etc. was conveyed by Barbara C. Hoffman to William C. Voland and wife, thence running with and binding on said fifth line and the sixth line of said deed south 14 degrees 42 minutes east in all 726.13 feet to the end of said sixth line, thence running with and binding on the seventh and part of the last line of said deed the two following courses and distances south 1 degree 42 minutes east 217.25 feet to north 64 degrees 29 minutes 13 seconds west 124.91 feet to intersect the right of way of the Western Maryland Railway Company, thence binding on the easternmost side of said right of way north 19 degrees 42 minutes west 115.16 feet to the end of the fifth line of the second parcel of that tract of land which by deed dated May 21, 1940 and recorded among the Land Records of Baltimore County in Liber WPC No. 1107 folio 500 etc. was conveyed by Trustees of McDonough Educational Fund and Institute to Western Maryland Railway Company, thence running reversely with and binding on said fifth, the fourth, third and part of the second line of said second parcel of land four following courses and distances north 3 degrees 12 minutes east 86.98 feet, north 11 degrees 12 minutes west 874.63 feet, south 76 degrees 51 minutes east 24.96 feet, and thence by a line curving to the east with a radius of 2814.93 feet for a distance of 47.50 feet to the said south side of the old McDonough Road, thence bounding on the south side of said road north 76 degrees 48 minutes east 47.50 feet to the place of beginning.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 23, 1967.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for one successive week before the 17th day of April, 1967, that is to say the first publication appearing on the 17th day of April, 1967.

THE JEFFERSONIAN

Manager.

Cost of Advertisement, \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3RD
Date of Posting: April 14, 1967
Posted for: Alan Shearer, et al.
Petitioner: Alan Shearer, et al.
Location of property: 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.
Location of Signs: 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.
Remarks: 2 signs
Posted by: [Signature]
Date of return: April 29, 1967

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3RD
Date of Posting: 12/16/67
Posted for: Alan Shearer, et al.
Petitioner: Alan Shearer, et al.
Location of property: 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.
Location of Signs: 85 feet East of the Western Maryland Railroad and the present McDonough Road. Being the property of Alan Shearer, et al.
Remarks: [Signature]
Posted by: [Signature]
Date of return: 12/16/67

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

1st day of March, 1967.

[Signature]
JOHN G. ROSE
Zoning Commissioner

Petitioner: Alan Shearer, et al.

Petitioner's Attorney: M. Jacqueline McCurdy Reviewed by: [Signature]
Chairman of Advisory Committee

TELEPHONE 823-3000 EXT. 187	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 45509 DATE: May 1, 1967
TO: Rosalyn H. Shearer 1800 N. Charles Street Baltimore, Md. 21201		BILLED Zoning Dept. of Balto. Co.
REPORT TO ACCOUNT NO. 61-622 QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$75.00
Advertising and posting of property 67-206-R		10.75
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

TELEPHONE 823-3000 EXT. 387	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 44371 DATE: Apr. 10, 1967
TO: R. Jacqueline McCurdy 203 W. Chesapeake Ave. Towson, Md. 21204		BILLED Zoning Dept. of Balto. Co.
REPORT TO ACCOUNT NO. 61-622 QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$50.00
Position for Reclassification for Alan Shearer, et al. 67-206-R		\$0.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

TELEPHONE 823-3000 EXT. 287	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 50610 DATE: Nov. 27, 1967
TO: Mr. Alan Shearer, 1800 North Charles Street Baltimore, Md. 21201		BILLED Office of Planning & Zoning 119 County Office Bldg., Towson, Md. 21204
REPORT TO ACCOUNT NO. 61-622 QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$75.00
Cost of appeal - Property of Alan Shearer, et al. No. 67-206-R		\$70.00
1 sign		\$5.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

