

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#68-32 R

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Rockland Bleach and Dye Works Co., Inc., 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-40 zone to an R-A zone; for the following reasons:

1. Error in the original zoning.
2. Change in the character of the neighborhood.

See attached descriptions

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 County.

Rockland Bleach and Dye Works Co., Inc.

Contract purchaser By: Alexander J. Leaderman, President

Legal Owner

Address Brooklandville, Maryland, 21022

Donald J. Gilmore

Petitioner's Attorney

Address 401 Washington Avenue, Towson, Maryland 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 2th day of July, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of August, 1967, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date July 27, 1967

FROM George E. Gavrelis, Director

SUBJECT Petition #68-32-R, Reclassification from R-40 to R-A. East side of Falls Road 370 feet North of Coppermine Terrace. Being the property of Rockland Bleach and Dye Works Co. Inc.

9th District

HEARING: Tuesday, August 8, 1967 (10:00 A.M.)

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

1. This tract has variable topography which is far more suitable to large-lot cottage development than to apartment development.
2. As an apartment site, the subject tract would have no desirable relationship to shopping opportunities or other commercial services.
3. It was for the above reasons, among others, that the Comprehensive Zoning Map for the 9th District designated this land as R-40. We firmly believe that the map was - and remains - correct with respect to this property.

ORDER RECEIVED FOR FILING

DATE 8/1/67

BY J. C. Harris, Jr.

ADMINISTRATIVE ASSISTANT

RE: PETITION FOR RECLASSIFICATION : BEFORE:
From R-40 Zone to : ZONING COMMISSIONER
R-A Zone E/S Falls : OF
Road 370' N. Coppermine :
Terrace, 9th District :
Rockland Bleach & Dye :
Works, Petitioner : BALTIMORE COUNTY
: No. 68-32-R

The petitioner has requested reclassification of property from an R-40 Zone to an R-A Zone, on the east side of Falls Road 370 feet north of Coppermine Terrace, in the Ninth District of Baltimore County.

The various changes mentioned at the hearing have no real bearing on a change from an R-40 use to an R-A use. The only reason given for requesting change in zoning is that the owner felt that because of the difficulty of the terrain only apartments could be erected on the property. This is not sufficient reason to warrant the reoning of the subject property.

For the above reasons the above reclassification should NOT BE HAD.

It is this 1st day of September, 1967, by the Zoning Commissioner of Baltimore County, ORDERED 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.

Zoning Commissioner of Baltimore County

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Zoning Commissioner denying the subject petition. The Petitioner seeks a reclassification from an R-40 zone to an R-A zone on 15.07 acres of land. The subject property fronts along the east side of Falls Road 370 feet north of Coppermine Terrace, in the Ninth Election District of Baltimore County. If successful in his petition, the Petitioner plans to construct 156 garden apartments (see plat, Petitioner's Exhibit #1).

Contiguous to the subject, on the south and east sides, is the Robert E. Lee Park, while adjacent to the subject, on the north and northeast sides, is the R-40 development known as "Ruxton Hills", with homes in the \$50,000 to \$100,000 range. A number of the Protestants live in this development.

The Board's hearing took three days of testimony from four witnesses on behalf of the Petitioner, and thirteen witnesses on behalf of the Protestants. Some thirty-four exhibits, submitted by both sides, were accepted in evidence. The Board reviewed the testimony, the exhibits, and with concurrence of opposing counsel, visited the site and neighborhood.

Admittedly, the subject has very rough topography. There was extensive testimony from witnesses on either side of the case regarding estimated costs to develop the tract. Traffic conditions, existing and anticipated, were fully aired by both Petitioner and Protestants. The Board does not think it is necessary to go into detail on this testimony because, while the Petitioner claimed error in original zoning, there was testimony that the property could be developed in its present classification in harmony with the neighborhood. As to claim of change in the character of the neighborhood since the adoption of the zoning map in 1955, the Petitioner's expert witness cited three zoning

Rockland Bleach & Dye Works - #68-32-R

2.

reclassification cases which he considered pertinent. These were cases #66-198-R, #66-16-RX and #64-41-R; all were reclassifications to R-A. However, the properties in these cases are not only located on the west side of Falls Road, they are even on the west side of Jones Falls Expressway. In the Board's opinion, these cases do not constitute change in the neighborhood of the subject property since they are out of view of the subject site, and the subject is not oriented to their area.

Therefore, without going into a lengthy discussion of the testimony, the Board finds that the Petitioner has failed to overcome the burden of proving error in original zoning or change in the character of the neighborhood to justify the petitioned reclassification.

For these reasons and from all the testimony, the Board affirms the Zoning Commissioner's Order and hereby denies the requested petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of March, 1971, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

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

John A. Slawik, Chairman

John A. Miller

Walter A. Reiter, Jr.

MCA

MATZ, CHILUS & ASSOCIATES, INC.
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Norman F. Hartmann, L.S.
Paul Lyle, P. E.
Paul R. Simon

DESCRIPTION

PARCEL ON EAST SIDE OF FALLS ROAD - NORTH OF COPPERMINE

TERRACE - NINTH ELECTION DISTRICT - BALTIMORE COUNTY,

MARYLAND

Present Zoning - R-40
Proposed Zoning - R-A

Beginning for the same at a point in the center line of Falls Road located 370 feet, more or less, as measured northerly along said center line from its intersection with the center line of Coppermine Terrace, running thence and binding on the center of Falls Road, (1) N 02°37'E - 50 feet, more or less, and (2) N 00°32'E - 92 feet, thence leaving Falls Road, (3) S 89°28'E - 230 feet, (4) N 07°36'30" W - 90.93 feet and (5) N 89°28' W - 216.2 feet to the center of Falls Road, thence binding on the center of Falls Road, (6) N 02°28' W - 100 feet, (7) N 05°46' W - 100 feet, (8) N 12°03' W - 100 feet and (9) N 18°16' W - 100 feet, thence leaving Falls Road (10) N 71°44' E - 355 feet, more or less, to the center of the Green Spring Branch of the Northern Central Railroad, thence binding on the center of said railroad, (11) southeasterly, by a curve to the left with the radius of 865 feet, more or less, the distance of 712 feet, more or less, and (12) S 89°33'E - 216.76 feet, thence leaving the center of said railroad, (13) S 08°00' W - 10.33 feet, (14) S 28°30' W - 287 feet, (15) S 49°15' W - 463.50 feet, (16) N 85°15' W - 73.41 feet, (17) S 03°55' W - 125.67 feet, (18) N 87°56' W - 304.93 feet, (19) N 55°26' W - 226.75 feet,

Water Supply - Sewerage - Drainage - Highways - Structures - Developments - Planning - Reports



RE: PETITION FOR RECLASSIFICATION : BEFORE:
From R-40 Zone to : ZONING COMMISSIONER
R-A Zone E/S Falls : OF
Road 370' N. Coppermine :
Terrace, 9th District : BALTIMORE COUNTY
Rockland Bleach & Dye :
Works, Petitioner : NO. 68-32-R

APPEAL

Mr. Rose:

Please enter an Appeal to the County Board of Appeals by the Rockland Bleach & Dye Works Co., Inc., Falls Road, Brooklandville, Maryland 21022, from the Order of the Zoning Commissioner dated September 19, 1967 in the above entitled matter.

Donald J. Gilmore
401 Washington Avenue
Towson, Maryland 21204
828-9359
Attorney for Petitioner

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(20) S 87°23' E - 192 feet, more or less, (21) N 16°10' W - 21 feet,
(22) N 26°13' 45" W - 81.50 feet, and (23) N 87°23' W - 217 feet to the place of beginning.

Containing 15.07 acres of land, more or less.

RS:mrpl

J.O. #61068-A

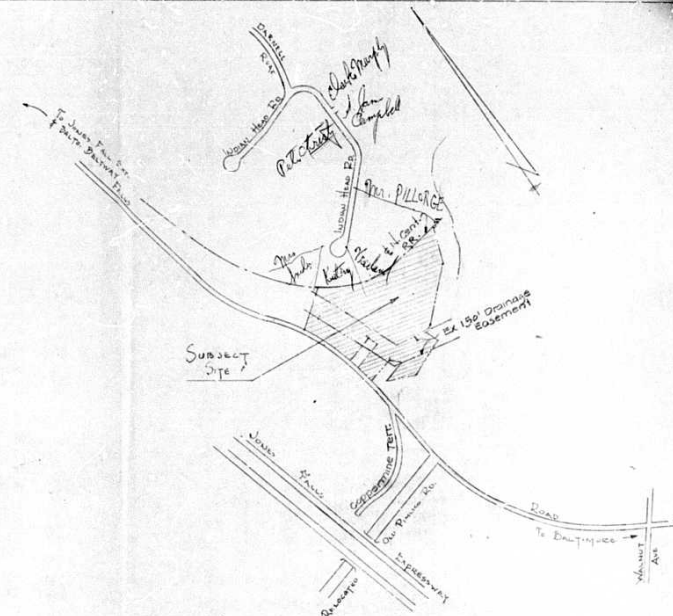
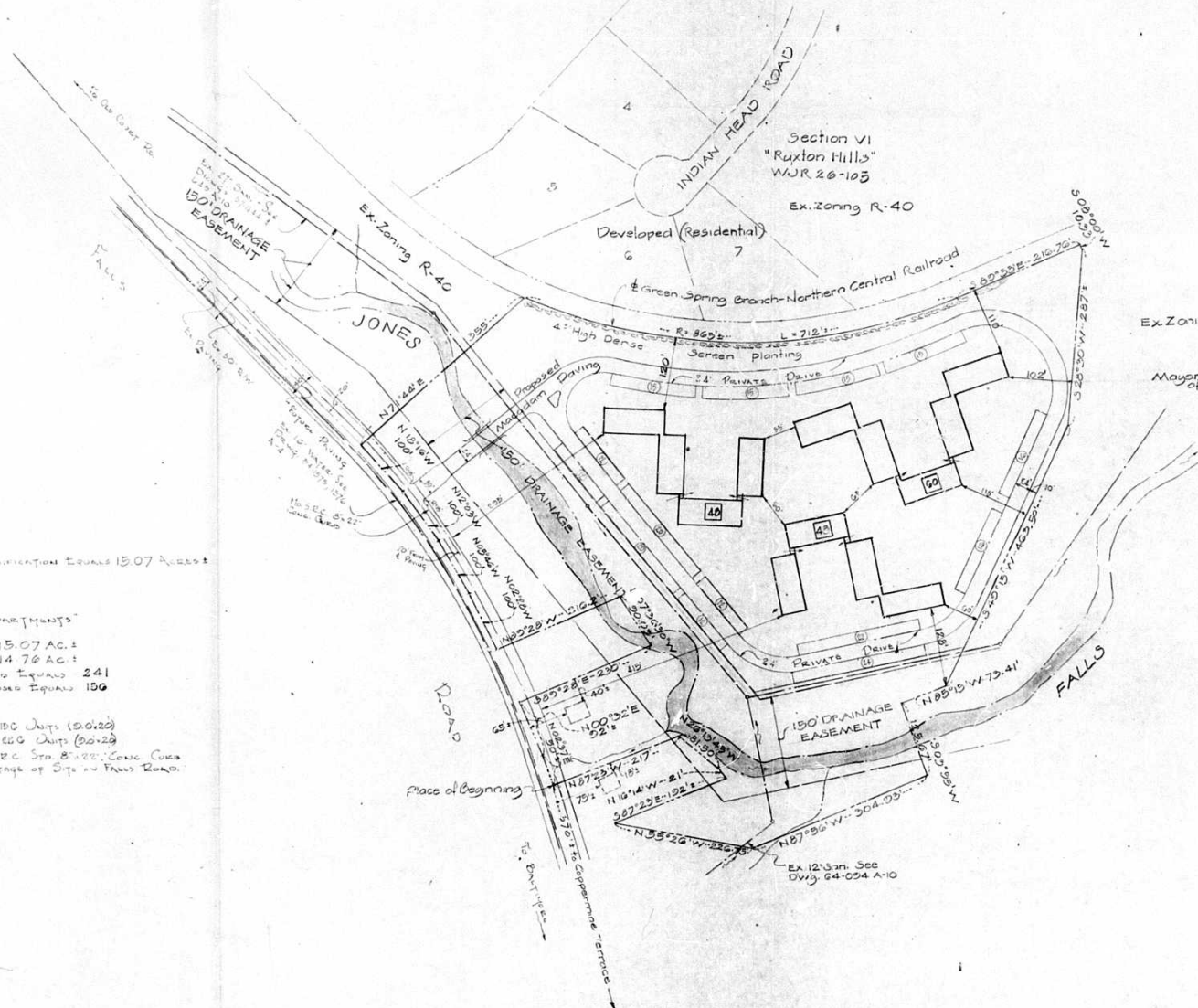
June 7, 1967



05-07-71

GENERAL NOTES

1. Acreage of Parcel Requesting Reclassification Equals 15.07 Acres
2. Existing Zoning of Parcel "R-40"
3. Existing Use of Parcel "No Use"
4. Proposed Zoning of Tract "R-4"
5. Proposed Use of Tract "Garden Apartments"
6. Density Calculations:
 - a. Gross Acreage of Tract Equals 15.07 AC.
 - b. Net Acreage of Tract Equals 14.76 AC.
 - c. Number of Apartment Units Allowed Equals 241
 - d. Number of Apartment Units Proposed Equals 156
 - e. Gross Density Equals 10.36
 - f. Net Density Equals 10.56
7. Required Off-street Parking Equals 156 Units (20:20)
8. Proposed Off-street Parking Equals 60 Units (20:20)
9. Developer of Site Shall Construct No. 58 C. St. 8' x 22' Concrete Curb 20 Feet Inside E. of Parking See Full Tractmap of Site in Falls Road.



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
EAST SIDE FALLS ROAD NORTH OF
RELOCATED OLD DILLICO ROAD
ELECTION DISTRICT #5 BALTIMORE COUNTY, MD.
JUNE 13, 1967
Scale: 1"=100'
REVISED JULY 6, 1967



05-07-71