

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

68-161-R
MAP
H-C
11th

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Katherine Korbel, et al. legal owners 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-6 zone to an M.H. zone, for the following reasons:
Change in Neighborhood.

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 or we agree to pay expenses of above reclassification and of Special Exception advertising, 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: John A. Slawik
Address: 4413 P. Charles St.
Legal Owner
Petitioner's Attorney: Walter A. Ketter, Jr.
Address: 127 E. North Ave.

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____ 1968, that the subject matter of this petition be advertised as of _____ 1968, 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 out 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 _____ day of January, 1968, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

HOWARD C. SUTTON 1904-1916
1944
ROBERT B. SUTTON 1944
HOWARD D. TUSTIN, JR. 1945
RICHARD F. TUSTIN 1945
ESTABLISHED 1849
S. J. MARTENET & CO.
REGISTERED
SURVEYORS AND CIVIL ENGINEERS
9 E. LEXINGTON STREET
BALTIMORE, MD. 21202
PHONE: 529-4283

SINON J. MARTENET 1849-1893
HARRY O. JUVINE 1871-1884
SEPTIMUS F. TUSTIN 1870-1911
J. HOWARD SUTTON 1866-1940
WILLIAM G. ATWOOD 1887-1981
SAMUEL A. THOMPSON 1880-1884
OSCAR E. WINNER 1897-1948
HOWARD B. TUSTIN 1897-1980

PARCEL OF LAND IN 11th DISTRICT, BALTIMORE COUNTY

BEGINNING for the same in the center of Jones Road, 20 feet wide at a point distant North 47 degrees 34 minutes West 412.15 feet from the intersection of said center of said road with the Northwest side of Pulaski Highway, 150 feet wide, said place of beginning being in the fourth line of the land which by deed dated May 21, 1961 and recorded among the Land Records of Baltimore County in Liber 3840 folio 444 was conveyed by Charles A. Vancura and Wife to Katherine and Irene Korbel and Rose Sapperstein of which the land now being described is a part and running thence and binding thereon in part and on the fifth line of the above mentioned conveyance and on the centerline of the Jones Road as now surveyed and with courses referred to the True Meridian North 47 degrees 34 minutes West 242.43 feet and North 45 degrees 22 minutes West 250.00 feet to the end of the above mentioned fifth line and to the Southeasternmost right of way line of the Baltimore and Ohio Railroad, thence binding thereon and on the sixth line of the above mentioned conveyance from Vancura to Korbel and Sapperstein North 70 degrees 52 minutes East 598.99 feet to intersect the South 52 degrees East 3941 feet 5 inches line of the land which by deed dated December 7, 1921 and recorded among the Land Records of Baltimore County in Liber M.P.C. 548 folio 297 was conveyed by Richard T. Jones et al to John J. Jones thence running with and binding in part thereon and in part on the seventh line of the above mentioned conveyance from Vancura to Korbel and Sapperstein South 58 degrees 54 minutes East 242.38 feet and thence for a line of division South 45 degrees 26 minutes West 384.80 feet to the place of beginning.

Containing 4.622 acres of land more or less.

October 24, 1967

RE: PETITION FOR RECLASSIFICATION: BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

This is a Petition to rezone 4.6 acres of land from an R-6 zone to an MH zone. Plans call for the construction of a warehouse or sewing center.

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

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 24th day of January, 1968, 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-6 zone.

Richard D. Underly
Deputy Zoning Commissioner

FILED
DATE January 29, 1968
BY Richard D. Underly
Deputy Zoning Commissioner

RE: PETITION FOR RECLASSIFICATION FROM AN R-6 ZONE TO M.H. ZONE BEFORE COUNTY BOARD OF APPEALS

This case comes before the Board on an appeal by the Petitioners from the denial of the Deputy Zoning Commissioner to reclassify the subject tract from R-6 to M.H. The subject parcel is a comparatively small unimproved site containing 4.622 acres and lying on the north side of Jones Road approximately 412 feet northwest from Pulaski Highway, in the 11th Election District.

The property has an approximate frontage of 492 feet on Jones Road, which is paved now to a width of but 14 feet. Same is now zoned R-6 and served by no public sewer or water. The northern boundary of the property abuts the Baltimore & Ohio Railroad Company tracks, which cross Jones Road with flashing lights only for a warning signal system. All of the lands abutting this site are presently zoned R-6. The northwest corner of Pulaski Highway on Jones Road is zoned B-L and is improved by a 25 unit motel, which is approximately twenty-eight years old. The R-6 land across Jones Road from the subject property is now unimproved. On Jones Road immediately across the railroad tracks from this site are high quality single family residences of considerable value, including at least one home of historical import built prior to 1775. A spring drains under the railroad tracks and through the subject property lying in the lower areas of same.

Harry Y. Riepe, Jr., a well known realtor and qualified real estate expert, testified for the Protestants. Mr. Riepe lives on Jones Road about 100 yards from the property. His testimony cited change in the area, but in his judgment such change, while considerable, improved the residential character of the area rather than the reverse.

OPINION

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This improvement in the residential character is primarily evident on Jones Road. Testimony cited the nearness of this tract to the new Gunpowder State Park being approximately 600 yards from this site. It was the opinion of Mr. Riepe that the comparatively small size of this site (4.622 acres) made same undesirable for the M.H. classification.

Evidence indicated that the general area contains considerable now unused M.H. land, including some which has been so zoned, yet unused, since 1945.

The Petitioners themselves were the only witnesses presented in their own behalf. According to their testimony, they have owned the subject property for about eight years. One has been to the site perhaps as many as six times during these eight years, while the other has not seen same even six times during the past eight years. While both of the ladies have been landowners and real estate investors for many years, the Board was not impressed with their knowledge of this area.

Without further reviewing the testimony and evidence in detail, it is the judgment of this Board that the Petitioners have not proven either error in the original zoning map or such substantial changes in the character of the area which would justify the reclassification sought by this petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of October, 1968, 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 the Maryland Rule of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slawik, Acting Chairman
Walter A. Ketter, Jr.
John A. Miller

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: November 15, 1967
FROM: H. B. Staab - Industrial Development Commission
SUBJECT: Item 21 - ZAC Meeting - November 14, 1967
Jones Road West of Pulaski Highway
11th Election District
Owner - Rose Sapperstein, et al

The Industrial Development Commission has reviewed the subject parcel and recommends that it be given favorable consideration because of its location adjacent to the railroad and ready access to Pulaski Highway (U.S. 40).

The site lies within the corridor of commercial and industrial development between the Pennsylvania Railroad and the Baltimore & Ohio Railroad along Pulaski Highway, which makes it a logical location for industrial zoning.

H. B. STAAB
Director



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

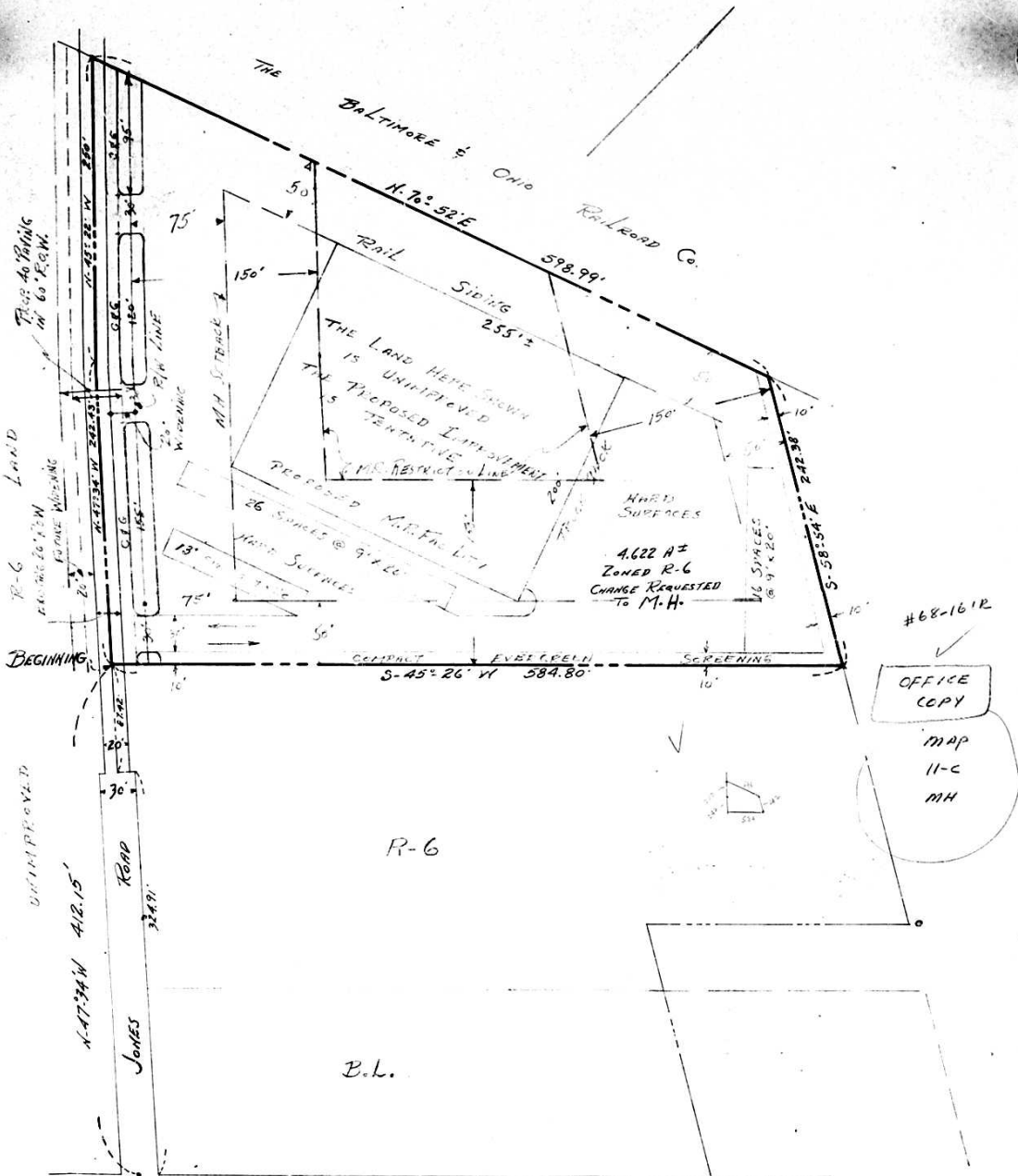
TO: Mr. John G. Rose, Zoning Commissioner Date: January 11, 1968
FROM: George E. Govellis, Director
SUBJECT: Pet. #68-161-R. Beginning 412.15 feet Northwest of Pulaski Highway and on the North side of Jones Road. Petition for Reclassification from R-6 to M.H. Rose Sapperstein, et al - Petitioners
11th District

HEARING: Monday, January 22, 1968. (11:00 A.M.)

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

Although industrial zoning at the subject location is logical, from a planning view point MH zoning would be improper. MH zoning is best suited for large acreages, and the subject property is not a large tract. Also, many uses permitted in MH zones can have pronounced and wide-spread adverse effects upon other properties and land uses; this is a factor which is particularly relevant in view of the location of the subject property, between two forks of the Gunpowder State Park.





#68-161R

OFFICE COPY
 MAP
 11-C
 MH

R-6

P.L.

PULASKI HIGHWAY

PLAT OF PROPERTY
 IN THE ELEVENTH ELECTION DIST
 BALTIMORE COUNTY, MARYLAND
 OWNED BY
 KATHARINE ROBERT, 4413 NORTH
 CHARLES ST. BALTO. MD 21218 AND
 ROSE SAPPARSTEIN, 2101 EAST
 BALTIMORE ST. BALTO MD. 21231

Scale: 1" = 50'
 J.G. Montross Co.
 Surveyors - Civil Engineers
 95 Channing St.
 Baltimore, Md. 21202, 2340
 Richard P. Trotter, P.S. #346
 October 24, 1967 REV. 12/1/67

