

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ark Readi-Mix Concrete Corporation, the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 255, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

Previous existing ML zoning was erroneously changed by the County Council thereby wiping out the variances previously granted when ML zoning was assigned by the zoning authorities. Buildings and use already exist.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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 as applied pursuant to the Zoning Law For Baltimore County.

Vernon S. Roberts, and
Ark Readi-Mix Concrete Corporation
Contract purchaser
Address 8637 Quanton Avenue
Baltimore, Maryland 21234

Ernest C. Trimble
Petitioner's Attorney
Address 404 Jefferson Building
Towson, Maryland 21204

PROTESTANT'S ATTORNEY
Address 404 Jefferson Building
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of July, 1971, 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 3rd day of September, 1971, at 10:00 o'clock.

Julius A. Romano
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ark Readi-Mix Concrete Corporation, 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 DR 5.5 zone to an ML zone; for the following reasons:

Error in the action of the County Council in removing the existing ML classification and assigning a DR 5.5 classification.

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 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.

Vernon S. Roberts and
Ark Readi-Mix Concrete Corporation
Contract purchaser
Address 8637 Quanton Avenue
Baltimore, Maryland 21234

Ernest C. Trimble
Petitioner's Attorney
Address 404 Jefferson Building
Towson, Maryland 21204

PROTESTANT'S ATTORNEY
Address 404 Jefferson Building
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of July, 1971, 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 3rd day of September, 1971, at 10:00 o'clock.

Julius A. Romano
Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION AND VARIANCES BEGINNING 1024.06' FROM THE S/S OF JOPPA ROAD AND 675' E OF JASPER LANE - 11th DISTRICT
Ark Readi-Mix Concrete Corporation - P. 106
NO. 72-47-RA (Item No. 17)

The Petitioner seeks a Reclassification from a D.R. 5.5 Zone to a M. L. Zone and Variances to permit a front yard of sixty-five (65') feet instead of the required seventy-five (75') feet; to permit a side yard of twelve (12') feet along the east property line instead of the required fifty (50') feet; to permit a rear yard of four (4') feet instead of the required fifty (50') feet; to permit the existing building to be located within twelve (12') feet of a residentially zoned boundary along the south 8 degrees 20 minutes west 397.6 foot line and within four (4') feet of a residentially zoned building along the north 45 degrees 35 minutes west 459.07 foot line instead of the required one hundred and twenty-five (125') feet; and to permit parking along the boundary lines instead of the required twenty-five (25') foot no parking strip next to a residentially zoned boundary from the Baltimore County Zoning Regulations for a parcel of property located 1024.06 feet from the south side of Joppa Road and six hundred and seventy-five (675') feet east of Jasper Lane, said property consisting of 2.25 acres of land, and located in the Eleventh District of Baltimore County.

Evidence on behalf of the Petitioner indicated that the property was to be used for storage of trucks and that because of the contour of the land, lack of sewerage, and transmission lines located immediately adjacent to the subject property, the land could not be developed in a residential capacity. It was further indicated that the reasons for the requested Variances were because there are existing structures on the property and that the property enjoys a non-conforming use.

VERNON S. ROBERTS et al. SEP 10 1973
OFFICE OF LAW
Court of Appeals
of Maryland
No. 175
September Term, 1973

ORDER

WHEREAS, Chapter 56 of the Acts of 1973 granted exclusive initial appellate jurisdiction over several specific types of civil actions to the Court of Special Appeals, and WHEREAS, Maryland Rule 814 provided that cases subject to the jurisdiction of the Court of Special Appeals as expanded by the Act may be transferred to the Court of Special Appeals; therefore, it is this 7th day of September, 1973

ORDERED by the Court of Appeals of Maryland that the above entitled appeal be, and it is hereby, transferred to the Court of Special Appeals to be docketed and decided or otherwise disposed of by that Court.

Julius A. Romano
Chief Judge

VERNON S. ROBERTS and EILEEN B. ROBERTS, Appellants
Re: PETITION FOR RECLASSIFICATION from D.R. 5.5 to M.L., and VARIANCES from Sections 243.1, 243.2, 243.3, 243.4 and 243.5 of the Baltimore County Zoning Regulations Reg. 1024.06' from S/S Joppa Rd. 4 675' E. of Jasper Lane 11th District (Formerly) Ark Readi-Mix Concrete Corp., - Petitioner
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

APPEAL TO THE COURT OF APPEALS OF MARYLAND

MR. CLERK:
On behalf of Vernon S. Roberts, et al, please enter an appeal to the Court of Appeals of Maryland from the decision of the Circuit Court for Baltimore County in the above entitled case.

Ernest C. Trimble
305 W. Pennsylvania Avenue
Towson, Maryland 21204
825-5512

I HEREBY CERTIFY that a copy of the foregoing Appeal to the Court of Appeals of Maryland was mailed this 7th day of August, 1973, to Mr. Michael Haslan, Esquire, Attorney for Protestant, 2135 Dundalk Avenue, Baltimore, Maryland 21222; and Baltimore County Board of Appeals, County Office Building, Towson, Maryland 21204.

8-17-73
JAW

Court of Special Appeals

ANAPOLIS, MARYLAND 21404

No. 432, September Term, 1973

Vernon S. Roberts et al
Ernest C. Trimble, Esq.
Attorneys for Appellant
Ark Readi-Mix Concrete Corp. et al
M. Michael Haslan, Esquire
R. Bruce Alderman, Esquire
Attorneys for Appellee

The Record in the captioned appeal was received and docketed on September 7, 1973

The brief of the APPELLANT is to be filed with the office of the Clerk on or before October 17, 1973

The brief of the APPELLEE is to be filed with the office of the Clerk on or before November 16, 1973

This appeal has been set for argument before this Court during the week of December 18-21, 1973 inclusive

Stipulations for extensions of time within which to file briefs will not be granted where the request will delay argument (Rule 1030 (c) 1).

Counsel is likewise notified to advise the office of the Clerk (Pursuant to Rule 1047) of intent to submit on brief at the time of filing his brief. No submission on brief will be accepted within ten (10) days prior to the date of argument without specially obtained permission of Court.

Julius A. Romano
Clerk of the Court of Special Appeals of Maryland.

The subject property is completely surrounded by residentially zoned land, and the property enjoyed a M. L. Zone prior to the adoption of the Comprehensive Zoning Map of 1971, in that, the Comprehensive Zoning Map adopted for this area in 1966 placed this property in a M. L. Zone. During this five (5) year period, the property was never developed to its potential in the M. L. classification. In fact, this "patch of blue," as the property has been referred to, was upheld in its M. L. classification by the Maryland Court of Appeals.

At the hearing, reference was made us to the constitutionality of the "downshifting" of the zoning from an established M. L. Zone to the D. R. 5.5 Zone by the Baltimore County Council in its adoption of the Comprehensive Zoning Map in the Spring of 1971. The Zoning Commissioner is charged with the duty of determining error and enforcement of the Baltimore County Zoning Regulations, and in itself, cannot determine the constitutionality of such an issue. This must be left to the Courts of the State of Maryland. Though the "downshifting" might be an issue in determining error, standing alone, it is not error per se.

Testimony on behalf of residents of the area, in protest of the subject request, indicated heavily congested and traveled Joppa Road in its present condition, would be unable to handle traffic emanating from this property if developed in any use permitted in a M. L. Zone. Furthermore, the entire area is basically residential, and it is felt by the residents that this would constitute spot zoning.

The Comprehensive Zoning Map, as adopted by the Baltimore County Council, is presumed to be correct, and the burden is upon the Petitioner to show error in the zoning of this property in a D. R. 5.5 Zone. In the judgment of the Zoning Commissioner, this burden has not been met and error has not been proven.

It is, therefore, ORDERED by the Zoning Commissioner of Baltimore County this 19th day of October, 1971, that the above

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 to remain D. R. 5.5 Zone.

It is further ORDERED that the Variances should be and the same are hereby DENIED.

Julius A. Romano
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 8/17/73
BY J. A. Romano
Administrative Assistant

RE: PETITION FOR RECLASSIFICATION :
from D.R. 5.5 to M.L., and
VARIANCES from Sections 243.1,
243.2, 243.3, 243.4 and 243.6
of the Baltimore County
Zoning Regulations
Beg. 1024.06' from S/S Joppa Rd.
& 675' E. of Jasper Lane
11th District
Ark Read-Mix Concrete Corp.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 72-47-RA

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Zoning Commissioner, dated October 19, 1971, denying the requested petition. The Petitioner seeks a reclassification from a D.R. 5.5 zone (density residential, 5.5 dwelling units per acre) to an M.L. (manufacturing light) zone, and variances from the Baltimore County Zoning Regulations pertaining to required building setbacks.

The petitioned variances are as follows:

- Section 243.1 - a front yard setback of 65 feet instead of the required 75 feet
- Section 243.2 - a side yard setback of 12 feet on the east line instead of the required 50 feet
- Section 243.3 - a rear yard setback of 4 feet instead of the required 50 feet
- Section 243.4 - a building setback of 12 feet from the nearest residential zone instead of the required 125 feet
- Section 243.6 - a zero foot setback from the nearest residential zone instead of the required 25 feet.

The subject property is located in the Fullerton area of Baltimore County, in the Eleventh Election District. More specifically, it is 675 feet east of Jasper Lane and 1024 feet south of Joppa Road. It is further identified as areas 1 and 2 on Petitioner's Exhibit #7 and contains a total of 2.25 acres, improved by two buildings now being used as an office and as a repair shop in conjunction with the owner's business of operating eight trucks, which he stores at the site when they are not in use on the streets. If successful in his petition, he plans to continue the same use of the property. Public water serves the site but not public sewerage service. The neighborhood was described as being very stable with only minor changes occurring over the past twenty-five years; such as, construction of a few houses and the granting of several special exceptions for

Ark Read-Mix Concrete Corp. - #72-47-RA

2.

rather extensive sand and gravel quarry operations that were already being conducted.

The subject property, formerly owned by Ark Read-Mix Corporation and now owned by the Petitioner, Mr. Vernon S. Roberts, has a long history of being involved in zoning and injunctive litigation and disputes dating back to at least 1963, the details of which are recited thoroughly in Judge Jenifer's sixteen page Opinion and Order (see Petitioner's Exhibit #2) and in the Maryland Court of Appeals' six page Decision and Order (see Petitioner's Exhibit #6). We will not attempt to repeat all that has gone before, but will attempt to itemize briefly the chronology of pertinent events that have taken place regarding the subject property, as follows:

1. 4/18/63 - Baltimore County Board of Appeals rules that area one of the subject property enjoys a non-conforming use for sand and gravel quarry operation
2. 9/26/63 - Baltimore County Zoning Commissioner denies a petition to reclassify subject zoning from R-6 to M.L.
3. 10/21/65 - Baltimore County Board of Appeals reverses Zoning Commissioner, item 2 above, and grants reclassification from R-6 to M.L. (see zoning file #63-77-RV - Petitioner's Exhibit #1)
4. 7/28/66 - Baltimore County Circuit Court, Judge Jenifer, affirms action of Board of Appeals, in #3 above (see Petitioner's Exhibit #2)
5. 8/1/66 - Baltimore County Council further affirms items 3 and 4 above by establishing M.L. zoning for the subject property when it adopted the then new zoning map for the area (see zoning map - Petitioner's Exhibit #3)
6. 8/7/66 - Protestants appeal Judge Jenifer's decision in item 4 above to Maryland Court of Appeals
7. 8/30/66 - Protestants file a Bill of Complaint in Baltimore County Circuit Court asking that the County Council (item #5 above) and the Department of Planning and Zoning be enjoined from adopting the portion of the map showing M.L. zoning granted on the subject property
8. 7/20/67 - Baltimore County Circuit Court, Judge Raine, acting on item #7 above, reverses the action on the map and restores the property to R-6 zoning, whereupon the protesting appellates file their appeal from Judge Jenifer's decision, item #6 above (see Petitioner's Exhibit #6 - page 4)

Ark Read-Mix Concrete Corp. - #72-47-RA

3.

9. 8/7/67 - Following the Petitioner's appeal from Judge Raine's decision, in item #8 above, the Maryland Court of Appeals reverses Judge Raine and reestablishes M.L. zoning on the subject property
10. 3/24/71 - The County Council, after public hearing, adopts the new zoning map and downshifts the zoning on the subject property from M.L. to D.R. 5.5
11. 10/19/71 - The Baltimore County Zoning Commissioner in the first cycle zoning hearings pertaining to the newly adopted 1971 zoning map, denies the Petitioner's request to reclassify the subject from D.R. 5.5 to M.L. and also denies variances that were petitioned
12. 2/8/72 - The Petitioner's appeal from the action of the Zoning Commissioner, item #11 above, is heard by the Baltimore County Board of Appeals which brings us in time to the present decision.

In the course of the hearing before the Appeals Board, an expert witness for the Petitioner testified that the subject property has severe topography; that it drops precipitously 50 feet from the adjacent property on the east boundary line, and that generally it is 30 to 50 feet below grade of other adjacent properties. Bordering the eastern boundary line of the property is a 150 foot wide right-of-way for a high tension electric transmission line. On the north side of the property are hothouses used for growing flowers on land owned by the Petitioner, and south of the property is a sand and gravel quarry operation; both uses being conducted in D.R. 5.5 zones. To the west is vacant land also zoned D.R. 5.5.

The Petitioner and his expert witness both testified that the property, because of its severe topography and lack of public sewerage utility, could not be economically developed in a D.R. 5.5 category. They further testified that to grant the reclassification without granting the variances would result in practical difficulty and unreasonable hardship for the owner inasmuch as the buildings are in existence on the site.

Witnesses on both sides of the case testified that Mr. Roberts is a good neighbor; that he has improved the condition of the property and removed junk, weeds and abandoned cars from the site. One of the Protestants even testified that she does not object to the present use that Mr. Roberts is making of the property, in fact, she thought it was an ideal use. However, the Protestants strenuously objected to the

Ark Read-Mix Concrete Corp. - #72-47-RA

4.

introduction of a manufacturing zone, with all its permitted uses, in an area that is zoned residential.

In determining the case, the Board is restricted to decide only on the very narrow issue of whether or not the County Council erred by downshifting the subject property to a D.P. 5.5 zone category when it adopted the latest and newest official zoning map for the area on March 24, 1971. In this regard, the testimony is uncontradicted that the proposed downshifting was brought properly before the Baltimore County Council for review at the public hearing preceding the adoption of the map. The subject was identified at that hearing as item NE 20 in the Log of Issues and was noted to be the subject of a "live zoning petition - #71-78-RX" (see Petitioner's Exhibit #8). The County Councilmen were well informed of the subject issue, and apparently in their wisdom decided that the subject downshifting from M.L. to D.R. 5.5 is in the best interest of the general welfare and of comprehensive land use for the area. Therefore, this Board does not find that in the legal sense the County Council was arbitrary, capricious or confiscatory, or that they erred in their decision. In the Board's opinion, the Petitioner has failed to overcome the burden of demonstrating error.

For these reasons and from all of the testimony and evidence presented, the Board hereby affirms the Order of the Zoning Commissioner, dated October 19, 1971, and hereby denies the petitioned reclassification from D.R. 5.5 to M.L., and also denies the requested variances.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 10th day of May, 1972, by the County Board of Appeals, ORDERED that the reclassification and variances petitioned for, be and the same is hereby DENIED.

Ark Read-Mix Concrete Corp. - #72-47-RA

5.

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
John A. Slawik, Chairman

W. Giles Parker
W. Giles Parker

Walter A. Keiter, Jr.
Walter A. Keiter, Jr.

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT, OF MARYLAND
TOWSON, MARYLAND 21204
July 12, 1973

Ernest C. Trimble, Esq.
305 West Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Trimble:

Re: Roberts, et al vs.
County Board of Appeals
HAB. Case No. 4941

Enclosed is a copy of my Opinion in the above entitled matter.

Very truly yours,

John N. Maguire
John N. Maguire

JNB:vw
Enclosure
CC: M. Michael Marlan, Esq.
County Board of Appeals of Baltimore County

ATTACHMENT TO PETITION FOR ZONING VARIANCES

The following specific variances are requested:

- a. Variance to Section 243.1 to permit a 65 foot front yard instead of the required 75 foot front yard;
- b. Section 243.2 to permit a 12 foot side yard along the east property line instead of the required 50 foot side yard;
- c. Section 243.3 to permit a 4 foot rear yard instead of the required 50 foot rear yard;
- d. Section 243.4 to permit the existing building to be located within 12 feet of a residential zoned boundary along the south 8 degrees 20 minutes west 497.6 foot line and within 4 feet of a residential zoned building along the north 45 degree, 75 minute west 459.07 foot line instead of the required 125 feet; and
- e. Section 243.6 to permit parking along the boundary lines instead of the required 25 foot no parking strip next to a residential zoned boundary

MEMORANDUM SUBMITTED IN CONNECTION WITH THE
ZONING APPLICATION OF ARK READ-MIX CONCRETE
CORPORATION - OWNER, AND VERNON S. ROBERTS AND
WIFE - CONTRACT PURCHASERS

On behalf of the above-named Owner and Contract Purchasers, it is respectfully submitted that the action of the County Council in reclassifying the 2.25 acre parcel from an M.L. classification to a D.R. 5.5 classification was erroneous for the following reasons:

1. The property was originally reclassified from an R-6 zone to an M.L. zone through the orderly zoning process and the reclassification was reviewed by the Circuit Court for Baltimore County and affirmed by the Court of Appeals of Maryland. There have been no changes in the neighborhood since the reclassification of the property to M.L. and the question of the proper zoning classification for the property is res judicata.
2. The property was recommended to remain M.L. by the Department of Planning and the Planning Board of Baltimore County.
3. The County Council ignored the legal mandate that the property was entitled to an M.L. classification, ignored the advice of its planning expert, i.e. The Department of Planning and acted contrary to the recommendation of the Planning Board.
4. The down-shift in zoning from the M.L. classification to a D.R. 5.5 classification was illegal, improper, and arbitrary in that the expressed purpose for the down-shift was to satisfy certain voters and community associations in the area. The law is unmistakably clear that zoning must not be granted or denied because of the plebiscite of the people; and
5. For other reasons to be assigned at the hearing on the petition for Reclassification.

Respectfully submitted,
Ernest C. Trimble
Ernest C. Trimble,
Attorney for Petitioners.

*Rec'd 7.12.73
1:45 PM*

VERNON S. ROBERTS and
ELLEN B. ROBERTS, Appellants

• IN THE CIRCUIT COURT
• FOR BALTIMORE COUNTY

• AT LAW

Re: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to M.L., and VARIANCES
from Sections 243.1, 243.2, 243.3,
243.4 and 243.6 of the Baltimore
County Zoning Regulations Reg.
1024.06' from 1/8 Joppa Rd. & 675'
E. of Jasper Lane 11th District
(formerly) Ark Read-Mix
Concrete Corp., - Petitioner

• Misc. Docket 9
• Misc. Folio 198
• Misc. Case 4841

•

BEFORE THE COUNTY BOARD OF APPEALS

•

OF BALTIMORE COUNTY

•

MEMORANDUM OPINION
AND ORDER OF COURT

The property involved in this Zoning Appeal, a two and one-half acre tract situate on the south side of Joppa Road east of Jasper Lane in Baltimore County's 11th District, has been the subject of extensive zoning litigation and controversy for many years. Original zoning in 1945 established an R.6 classification for the property, even though for many years prior to that time the land had been used for sand and gravel operations under a non-conforming use. In June of 1952 the Ark Read-Mix Concrete Corporation, owner of the tract at that time, was granted a special exception to use it for a sand and gravel plant. On July 31, 1963, Ark petitioned for a reclassification of the property from R.6 to M.L. with certain variances. This petition was denied by the Zoning Commissioner of Baltimore County, but the Commissioner was overruled by the County Board of Appeals when it granted the reclassification on October 21, 1963 after holding extensive hearings. An Appeal was filed to the Circuit Court for Baltimore County and the Board was affirmed in a long and comprehensive opinion by Judge Walter M. Jenifer dated July 28, 1966. While the case was pending before Judge

- Page No. 1 -

Jenifer, the Baltimore County Zoning Commissioner and the Planning Board were planning the proposed 1966 "Northeastern Planning Map." The map was offered for public hearings but there was no discussion covering the change in zoning from R.6 to M.L. with reference to Ark's property. Its classification remained R.6. The map was proposed to the Baltimore County Council for its consideration and was adopted on August 1, 1966. On that same day, Mr. George Gavrelis, then Director of Planning and Zoning for Baltimore County, having learned of Judge Jenifer's recent holding, reported to the County Council and recommended that they change the land in question from R.6 to M.L. After deliberations by the Council this was done. On August 26, 1966, the protestants appealed Judge Jenifer's decision to the Court of Appeals of Maryland and four days later filed a Bill of Complaint in the Circuit Court for Baltimore County asking that the Council and the Department of Planning and Zoning be enjoined from adopting that portion of the map showing M.L. zoning granted to Ark Read-Mix Corporation. An amended Bill making Ark a party to the suit was filed on January 12, 1967. The case was heard by Judge John E. Raine, Jr. and on April 24, 1967, he declared the map null and void with respect to Ark's property referring to the M.L. classification as invalid spot zoning. As a result, the appeal from Judge Jenifer's decision was dismissed, R.6 having been restored. However, Ark appealed to the Court of Appeals and Judge Raine was reversed. The M.L. zoning was upheld and reinstated. The Court found that the decision of the zoning authorities was supported by substantial evidence and that the issue before them was "fairly debatable."

The litigation presently before this Court is a direct result of the adoption by the Baltimore County Council of the newest

- Page No. 2 -

comprehensive zoning map on March 24, 1971. This new map reclassified the subject property again, this time from M.L. to D.R. 5.5. The Petitioners, Vernon S. Roberts and Ellen B. Roberts, purchased the Ark property on January 29, 1970 at an M.L. price and have used the property since that time in its M.L. classification. Feeling that the reclassification of their property to D.R. 5.5 constituted an unconstitutional and confiscatory "downshifting", the Roberts have petitioned for a reclassification from D.R. 5.5 back to M.L. with certain variances. The Zoning Commissioner denied the reclassification on October 19, 1971, stating that the constitutionality of "downshifting" was not to be determined by the Zoning Commissioner, but by the State Courts. Furthermore, the Commissioner noted that the area surrounding the subject property is basically residential. Residents who testified at the hearing in protest of the petition indicated that a granting of the M.L. and variances would mean even greater traffic congestion and felt it would constitute spot zoning. The County Board of Appeals affirmed the Commissioner on May 10, 1972. Their opinion is restricted to the issue of whether or not the County Council erred by "downshifting" the property to D.R. 5.5 zoning when it adopted the official zoning map on March 24, 1971. The Board indicated in their opinion that at a public hearing preceding the adoption of the map the subject property was identified in the Log of Issues and was noted to be the subject of a live zoning petition. Quoting from the Opinion: "The County Councilmen were well informed of the subject issue, and apparently in their wisdom decided that the subject downshifting from M.L. to D.R. 5.5 is in the best interest of the general welfare and of comprehensive land use for the area." The Petitioner failed to overcome the burden of demonstrating error on the part of the Council.

- Page No. 3 -

Again, the major thrust of Petitioners' argument before this Court is directed at the Council's action. More specifically, they suggest that the Council acted arbitrarily, capriciously, and unreasonably and erred in downshifting the property. The major basis of their contention is that there has been "no substantial change in the character of the neighborhood" which could justify a reclassification. That there has been no substantial change is undisputed. However, the surrounding neighborhood is almost entirely "residential" and the subject property has only enjoyed M.L. status under a special exception originally, and later, by way of spot zoning. The M.L. classification was never truly consistent with the surrounding area. To suggest that there must be a substantial change in the character of a neighborhood which is residential to justify reclassifying a part of that neighborhood (the subject tract) from a wholly inconsistent M.L. classification to an entirely consistent (D.R. 5.5) residential classification is totally illogical and without merit. The Council merely acted in the best interests of the general welfare and of comprehensive land use for the area.

The pertinent powers of Baltimore County in regard to zoning maps and appropriate zoning regulation is clearly set out in Title 22, Article III, Sections 22-18, 22-20 and 22-21 of the Baltimore County Code (1968 Ed.), and its 1971 Cumulative Supplement. Maryland case law involving County Council's zoning powers is voluminous. Chevy Chase Village, et al v. Montgomery Co. Council, et al, 258 Md. 27 at the bottom of page 41 (quoting from Smith v. Board of Co. Commissioners of Howard Co., 232 Md. 280) states: "On innumerable occasions this Court has held that 'there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that to sustain

- Page No. 4 -

a piecemeal change therefrom, there must be strong evidence of mistake in the original zoning or in the comprehensive rezoning or else a substantial change in conditions" (cases cited) We have further stated that where the Board's decision is supported by substantial evidence and the issue before it is 'fairly debatable' that the Courts may not substitute their judgment for that of the Board (cases including Ark Read-Mix cited) However, if the record is so devoid of substantial supporting facts as to be incapable of raising a debatable issue a Court will declare the legislative or administrative action invalid" (cases cited). Less recent, but equally representative cases include Trustees, etc. v. Baltimore County, 221 Md. 550; McBee v. Baltimore County, 221 Md. 312; and Somerset v. County Council, 229 Md. 42.

The other important issue before this Court is whether or not the alleged "downshifting" of the subject property by the County Council was or was not constitutional. Few Maryland cases consider this particular issue and, of those that do, none discuss it at length or provide a clear answer to the question.

In the case of Baltimore City v. Borinsky, 239 Md. 611, certain property owners were aggrieved by the decision of the Baltimore City Board of Municipal and Zoning Appeals when they were denied a special exception that they had applied for because it would violate certain zoning ordinances. The owners contended that these restrictions constituted an unconstitutional taking of their property depriving them of any beneficial use of it. Although downshifting is not involved in this case, the law set out at page 622 is pertinent in discussing downshifting to indicate the weight to be accorded one of its effects; i.e., a landowner's loss of use of his property because

- Page No. 5 -

of zoning action. The Court said: "If the owner affirmatively demonstrates that the legislative or administrative determination deprives him of all beneficial use of the property, the action will be held unconstitutional. But the restrictions imposed must be such that the property cannot be used for any reasonable purpose. It is not enough for the property owners to show that the zoning action results in substantial loss or hardship. (Cases cited)." The case of Board of Appeals v. Bailey, 216 Md. 536 uses the language "reasoning down" and states: "In Maryland there seems to be no distinction between 'rezoning up' and 'rezoning down'." In that case, the reclassification under attack was one from R-6 to R-10 which, on its face, is an 'upgrading', but as the reclassification also permitted the granting of a special exception for a trailer park, it might be argued (said the Court) that it was, in effect, a 'downgrading.' The Court said: "Obviously, the use of one term or the other depends to some extent upon the user's point of view, or, to use an apt colloquialism, it depends upon whose ox is being gored." The protestants were protesting the granting of the special exception claiming that this was a "downgrading". Further on, the Court stated: "Apparently the same rules with respect to rezoning are applicable regardless of whether the reclassification is to a 'higher' or a 'lower' use." However, the specific question as to whether the same rules must invariably be applied was left open.

The most informative case concerned with the constitutionality or unconstitutionality of 'downshifting' is Norbeck v. Montgomery County, 254 Md. 59. In this case, there was a reclassification of appellant's land under a sectional map amendment made by the Montgomery

- Page No. 6 -

County Council which imposed substantially greater restrictions on the land than had been its burden under prior zoning. Judge Hammond, speaking for the Court at pages 65, 66, said:

"The appellants argue that for the County to decrease the permissible density of their land and that of other similarly zoned land and to refuse to furnish sewerage to their land in order to control the growth of population and to continue the present open space in the Olney region was to use zoning and planning impermissibly as a substitute for eminent domain and to reduce so substantially the value of their land as to amount to confiscation.

If these contentions are sound, no zoning would ever have been allowed or sustained and all comprehensive rezoning would have to continue or increase permissible density, not reduce it. All original zoning decreases the right to use property as the owner pleases. Zoning places restrictions on property that was free of any restriction and the value of some if not most of that property necessarily is going to be lessened. None of this as such invalidates comprehensive zoning, original or subsequent. Smith v. Board of Co. Commissioners of Howard Co., 232 U.S. 365, 71 L. Ed. 307; Ark Read-Mix v. Smith, 251 Md. 1. The broad test of the validity of a comprehensive rezoning is whether it bears a substantial relationship to the public health, comfort, order, safety, convenience, morals and general welfare, and such zoning enjoys a strong presumption of validity and correctness. Scull v. Coleman, 251 Md. 6; Stevens v. City of Salisbury, 240 Md. 556. A property owner has no vested right to the continuance of the zoning status of his or neighboring property, merely the right to rely on the rule that a change will not be made unless it is required for the public good. Wakefield v. Kraft, 202 Md. 136, 144. In Queen Anne's County v. Miles, 246 Md. 355, 368, a minimum area zoning that limited residential use to five acres was upheld. Judge Oppenheimer for the Court said:

"If the comprehensive zoning has a substantial relationship to the general welfare of the community in that it can fairly be taken as a reasonable effort to plan for the future within the framework of the County's economic and social life, it is not unconstitutional because under it some persons may suffer loss and others be benefited."

- Page No. 7 -

These cases, particularly the Norbeck case, indicate rather clearly that "downshifting" (by a County Council) which results in a substantial reduction in the value of or use of one's land is certainly not unconstitutional so long as it is done for the public good and so long as it does not deprive the owner of any and all uses of his land making it totally without value.

The Plaintiffs in this case have not been so aggrieved by the reclassification of their property as to have been deprived of a constitutional right or to warrant a striking of that classification by this Court, and the D.R. 5.5 zoning should stand. The Baltimore County Council acted within the limits of its zoning authority.

For the reasons stated and in conformity with the foregoing Opinion, it is this 13th day of July, 1973, by The Circuit Court for Baltimore County ORDER that the Order of the County Board of Appeals for Baltimore County dated May 10, 1972 be and the same is hereby AFFIRMED.

JOHN M. MAQUIES
JUDGE

- Page No. 8 -

REPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND
No. 432
September Term, 1973

No. 72-47-8A

VERNON S. ROBERTS, et ux.

v.

LYLE GRANT

Moylan,
Gilbert,
Love,
JJ.

Opinion by Gilbert, J.

Filed: February 19, 1974

1.

This is another chapter in the seemingly never ending saga concerning approximately two and one quarter (2 1/4) acres of land used commercially but situate in the heart of a residential zone in Baltimore County.

The property in question is quadrilateral and is located approximately one thousand twenty-four (1,024) feet south of Joppa Road. Access is gained by diagonally traversing a separate tract of land owned by the appellants, and then through a twenty (20) foot right-of-way across another property. The eastern side of the subject property, in its entirety, borders along the right-of-way of the Susquehanna Transmission Company. That right-of-way is one hundred fifty (150) feet in width, and steel towers are constructed thereon. The land over which the appellants' twenty (20) foot right-of-way runs is improved by some greenhouses and is operated commercially as a non-conforming use.

The use of the property involved in this appeal has been the subject of extensive litigation. We shall not endeavor to set forth the complete history of that litigation but will commence with the pertinent events starting April 18, 1963. At that time the Baltimore County Board of Appeals ruled that the subject area enjoyed a "non-conforming use for sand and gravel quarry operation." The Baltimore County Zoning Commissioner, on September 26, 1963, denied a petition to reclassify the property from R. 6 to M.L. (light manufacturing). Thereafter the Baltimore County Board of Appeals on October 21,

2.

1965 reversed the Zoning Commissioner and granted the reclassification from R. 6 to M.L. The Board's action was affirmed by the Circuit Court for Baltimore County on July 28, 1966. Four days later, i.e., August 1, 1966, the Baltimore County Council adopted a new zoning map for the area and rezoned the property to M.L., thus, in fact, confirming by ordinance the action already taken by the Board of Appeals and the Circuit Court. The next day the decision of the Circuit Court was appealed to the Court of Appeals, but that appeal was subsequently withdrawn. While the appeal to the Court of Appeals was pending the protestants, on August 30, 1966, filed a Bill of Complaint in the Circuit Court for Baltimore County in which they requested that the County Council and the Department of Planning and Zoning be enjoined from adopting that portion of the zoning map that changed the subject property from R. 6 to M.L. On July 20, 1967 the Circuit Court for Baltimore County granted the relief prayed and restored the property to R. 6 zoning. Aggrieved at the action of the Circuit Court, the appellants' predecessor in title appealed to the Court of Appeals. The Court, in *Ark Read-Mix v. Smith*, 251 Md. 1, 246 A.2d 220 (1968), reversed the Circuit Court and re-established the M.L. zoning.

The appellants, Vernon S. Roberts and Ellen B. Roberts, who are engaged in the business of trash removal, purchased the property from Ark Read-Mix by a contract of sale dated January 29, 1970. Appellants utilize eight trucks in the operation of their business. The trucks are stored, maintained,

3.

dispatched from and returned to the property in question daily, except Sunday.

On March 24, 1971 the Baltimore County Council passed an ordinance by which they adopted a new comprehensive zoning map for the northeast sector of Baltimore County. By virtue of that ordinance, the property of the appellants was rezoned from M.L. to D.R. 5.5 (dwelling residence, 5.5 per acre). The reclassification procedure complied with the requirements of the Baltimore County Code. The appellants petitioned the Zoning Commissioner for a reclassification. The requested relief was denied, and the appellants then appealed to the County Board of Appeals who affirmed the Commissioner. The matter went to the Circuit Court for Baltimore County where Judge John M. Maguire affirmed the Board of Appeals. Appellants now seek relief in this Court. We are asked:

(1) to hold that the appellants are entitled to have the M.L. zoning classification and variance restored.

(2) to declare that the Baltimore County Board of Appeals was incorrect in not finding the action of the County Council to be arbitrary, capricious, or in any event confiscatory, and

(3) to find as a matter of law that the reclassification of the property was, under the circumstances of the case, arbitrary, capricious, unreasonable and erroneous.

¹ Baltimore County Code, Title 22, art. III (1968).

4.

We think that the three issues presented by the appellants, when reduced to their simplest form, emerge as whether or not the Circuit Court erred in holding that the Board of Appeals for Baltimore County correctly ruled that the adoption by the Baltimore County Council of the comprehensive zoning map, on March 24, 1971, in which the appellants' property was reclassified from M.L. to D.R. 5.5 was not arbitrary, capricious, erroneous or confiscatory.

At the time of the hearing before the Board of Appeals the appellants produced the testimony of an expert who said that the property was being currently used at its highest and best possible use. He stated that in his opinion "as 5.5 residential property it is absolutely unfeasible [sic] to develop" because it would cost more money "to fill that land than it is worth." This is so, he testified, "because of the factors that surround it, as . . . stated before, your high tension lines, your gravel pits, your florist here." The expert said, "The highest and best use of the subject area . . . is M.L. It could not be economically used for any other reason, that I can see. For anything else, it is worth not a plugged nickel." On cross-examination the expert stated that some of the uses permitted in an M.L. zone such as a chicken

5.

processing plant or packing house he would "not recommend". The storage of gasoline and oil in above ground tanks would, in the expert's opinion, be suitable on the land. The protestants, generally speaking, did not object to the operation presently conducted by the appellants, but they were very much concerned that the property not be rezoned to M.L. because of the uses permitted in that type of zoning.

³ According to the Baltimore County Zoning Regulations (1969) § 253, the following uses are permissible in M.L. zoning: Certain residential uses. §253.2. Uses permitted in an M.R. (manufacturing, restricted) zone. §253.3. The following uses, without special exception, when located at least 100 feet from a contiguous residential zone: "Assembly of automobiles and airplanes; Boat yards; [Revised by Bill No. 64, 1963] Bus terminal; Carpet, rug cleaning; Cleaning and dyeing; Concrete products, including concrete and/or cinder block manufacture; Contractor's equipment, storage yard; Creamery; Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses; Excavations, controlled, exclusive of those embodying use of explosives (see Section 403); Grain, processing of, provided equipment is installed for effective precipitation and recovery of dust; Heliport, Type I; [Bill No. 85, 1967] Heliport, Type II; [Bill No. 85, 1967] Ice, manufacture of; Milk pasteurization and distributing stations; Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code); Poultry, commercial killing of; Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code); Vegetable canning or packinghouse (see also Section 255.1). [Revised by Bill No. 85, 1967]"

6.

The Court of Appeals, speaking through Chief Judge Hammond, in *Norbeck v. Montgomery County*, 254 Md. 59, 254 A.2d 700 (1969) answered a contention similar to that raised in the instant appeal by stating, at 65-66:

"If these contentions are sound, no zoning would ever have been allowed or sustained and all comprehensive rezoning would have to continue or increase permissible density, not reduce it. All original zoning decreases the right to use property as the owner pleases. Zoning places restrictions on property that was free of any restriction and the value of some if not most of that property necessarily is going to be lessened. None of this as such invalidates comprehensive zoning, original or subsequent. *Euclid v. Ambler Realty Company*, 272 U.S. 365, 147 S. Ct. 1174, 71 L. Ed. 303 (1926); *Ark Read-Mix v. Smith*, [supra]. The broad test of the validity of a comprehensive rezoning is whether it bears a substantial relationship to the public health, comfort, order, safety, convenience, morals and general welfare, and such zoning enjoys a strong presumption of validity and correctness. *Scull v. Coleman*, 251 Md. 6, 246 A.2d 223 (1968); *Stevens v. City of Salisbury*, 240 Md. 356, 214 A.2d 775 (1965). A property owner has no vested right to the continuance of the zoning status of his or neighboring property, merely the right to rely on the rule that a change will not be made unless it is required for the public good. *Wakefield v. Kraft*, 202 Md. 136, 144, 196 A.2d 27, 30 (1953)."

The Court, in *Queen Anne's County v. Miles*, 246 Md. 355, 228 A.2d 450 (1967) said, at 368:

"[I]f the [comprehensive zoning] has a substantial relationship to the general welfare of the community in that it can fairly be taken as a reasonable effort to plan for the future within the frame-

work of the County's economic and social life, it is not unconstitutional because under it some persons may suffer loss and others be benefited."

In order for an individual property owner to remove himself from a comprehensive rezoning, he must show that the plan will deprive him of any reasonable use of his property or that it is not in the general public interest or welfare. *Norbeck v. Montgomery County*, supra. The record before us does not demonstrate that the appellants will be deprived of the reasonable use of their property. Nor have the appellants shown that the plan was not in the general public interest and welfare. "All is not lost" for the appellants, however, because they may continue the present operation as a non-conforming use.

The area surrounding the subject property is zoned for residential dwellings with a density of 5.5 per acre. To restore M.L. zoning to the appellants' property would be tantamount to creating an island of light manufacturing in a residential sea. The island, could, at the whim of the appellants, be converted to any of the other uses permitted under M.L. zoning, n. 3 supra, and consequently, might have a deleterious effect upon the surrounding neighborhood.

The Board of Appeals felt that "[t]he County Councilmen were well informed of the subject issue, and apparently in their wisdom decided that the subject downshifting from M.L. to D.R. 5.5

⁴ John Milton, *Paradise Lost* bk. I, l. 105 (1667).

² The phrase, "your florist here" refers to the land contiguous to the northern border of the subject property. It is a non-conforming use.

5
Lewis Wallace, "The Prince of India bk. III, ch. 6 (1893).
Margaret Wolfe Hungerford in Holly Bawn (1878) stated it:
"Beauty is in the eye of the beholder."

JUDGMENT AFFIRMED.
COSTS TO BE PAID BY APPELLANTS.

E.F. Del
Eugene F. Del #2246
Registered Professional
Land Surveyor

By: Ernest C. Trimble
Attorneys for Applicants/
Appellants

APR 15 1974

October 19, 1971

Ernest C. Trimble, Esquire
404 Jefferson Building
Towson, Maryland 21204

RE: Petition for Reclassification and
Variance
Beginning 1924.06' from the S/S
of Joppa Road and 675' E of Jasper
Lane - 11th District
Ark Read-Mix Concrete Corporation - Petitioner
NO. 72-47-BA (Item No. 17)

Dear Mr. Trimble:

I have this date passed my Order in the above captioned
matter. Copy of said Order is attached.

Very truly yours,

Eric De Nenna
ERIC DE NENNA
Zoning Commissioner

SED/arl

Attachments

cc: Mr. Edward W. Stuart
3044 Norland Avenue
Baltimore, Maryland 21234

Mr. Wade H. Creswell
President
Perry Hall Improvement
Association
9509 Holiday Manor Road
Baltimore, Maryland 21236

Mr. Wilma Grant
Joppa-Magist Improvement
Association
3603 East Joppa Road
Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 18, 1971

COUNTY OFFICE BUILDING
1117 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

CLERK
OLIVER L. MYERS
CLERK

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADJUDICATOR

DEPARTMENT OF
DEVELOPMENT

George E. Gavrillis, Director
Office of Planning & Zoning
301 Jefferson Building
Towson, Maryland 21204

RE: Item #17 (April - October 1971)

Property Owner: Ark Read-Mix Concrete Corp.
Location: Joppa Rd., 675' W. of Jasper Ave.
Present Zoning: D.R. 5.5 (formerly M.L.)
Proposed Zoning: M.L. with Variance for
building offset to property
lines

District: 11th Sector Northeast
No. Acres: 2.25

Dear Sir:

The Zoning Advisory Committee has reviewed the
plan submitted with the above referenced petition and has
made an on site field inspection of the property. The
following comments are a result of this review and inspection.

The subject property is presently improved with
several garages and office for the Roberts Truck Rental
company. It at one time was used as a concrete batching
plant for the Ark Read-Mix Concrete Corporation. A field
inspection revealed that a large number of old trucks,
tanks, and miscellaneous junk exists on the property. This
must be cleaned up and removed from the site as it is
an apparent zoning violation at the present time.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the
plan submitted to this office for review by the Zoning Advisory
Committee in connection with the subject item.

Highways:

This property has no apparent fee frontage on
existing public roads.

Joppa Road from which access is taken through a 20-foot
right-of-way is planned for improvement as a 50-foot curb and
gutter cross-section on a 70-foot right-of-way. Commercial

Item #17
Page 2
May 18, 1971

access standards require a 24-foot minimum entrance, 30-foot maximum.

Storm Drains:

The Petitioner must provide necessary drainage facilities
(temporary or permanent) to prevent creating any nuisances or damages to
adjacent properties, especially by the concentration of surface
waters. Correction of any problem which may result, due to improper
grading or improper installation of drainage facilities, would be the
full responsibility of the Petitioner.

Provisions for accommodating storm drainage have not been
indicated on the submitted plan.

Public drainage facilities are required for any off site drainage
facilities and any on site facilities serving off site areas, in
accordance with the standards of the Baltimore County Department of
Public Works.

On site drainage facilities serving only areas within the site do
not require construction under a County contract. Such facilities are
considered private and therefore must conform to the County Plumbing and
Building Codes.

Sediment Control:

Development of this property through stripping, grading and
stabilization could result in a sediment pollution problem, damaging private
and public holdings below this property, and sediment control is
required by State Law. A grading permit is, therefore, necessary for
all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to
be reviewed and approved prior to the recording of any record plat.

Water:

Public water is available in Joppa Road. Public water is required
for the private improvement of property in this area of Baltimore County
in accordance with the Baltimore County Comprehensive Water plan.

Service within the site from the public system must be in
accordance with the Baltimore County Building, Plumbing and Fire Prevention
Codes. The service connection to the meter shall be in accordance with
the standards of the Baltimore County Department of Public Works.

Sanitary Sewer:

Public sanitary sewer facilities are not available to benefit this
property.

Item #17
Page 3
May 18, 1971

In accordance with the Baltimore County Comprehensive Sewerage
Plan, sanitary facilities are planned between 1970 to 1980 and individual
sewerage systems will be permitted where an adequate and safe system
for disposal can be developed, in accordance with the requirements of the
Health Department, Department of Public Works and the Baltimore County
Building and Plumbing Codes.

This plat should be revised to reflect a solution to the
problem of adequate access, public water supply, storm drain disposal
and sanitary waste disposal.

PROJECT PLANNING:

This plan has been reviewed and there are no site planning
factors requiring comment.

BUILDINGS ENGINEER'S OFFICE:

No comment from this office at this time.

FIRE PREVENTION BUREAU:

Fire hydrants for the proposed site are required and shall be
in accordance with Baltimore County Standards. Additional on site
hydrants shall be required.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from D.R. 5.5 to M.L.
This change would increase the trip density from 115 to 200 trips per
day. This increase in trip density should not create any major traffic
problems to Joppa Road. However, should this area be considered for
industrial use, more adequate access than now exists, must be provided.

INDUSTRIAL DEVELOPMENT:

This office has reviewed the subject petition.

The use of the land has been industrial in character for some
time as a permitted use in the M.L. zone. We believe a continuation of
this use and zoning classification is a reasonable request and should be
granted favorable consideration.

Item #17
Page 4
May 18, 1971

HEALTH DEPARTMENT:

A revised plan must be submitted showing the existing water
supply and sewerage system. A detailed drawing of the present water
station must be submitted to this office for approval in order to assure
proper disposal of waste water underground.

STATE ROADS COMMISSION:

The State Roads Commission has studied several lines for the proposed
Whitemarsh Boulevard. One of the lines seriously affects
the subject site.

Transmitted herewith are two copies of the site plan on which has been
indicated the approximate effects to the site. One copy is for your file
and one (1) copy is for the petitioner.

We anticipate more definite information in the near future.

We will be advised accordingly.

ZONING ADMINISTRATION DIVISION:

The access to the subject property is very poor and does not
meet any of the standards set up within the different County agencies. This
access must be improved and some type of hard surface road provided to the
subject property. Also, the means for providing sewerage to the property
must be indicated prior to any definite approval of any type of building
application for this site. It would appear that the site, although at one
time zoned M.L. did not meet any of the Zoning Regulations that were in
force at that time.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

DLN:JD

cc: Edward D. Hardesty

Ernest C. Trimble, Esq.
404 Jefferson Building
Towson, Md. 21204



May 10, 1971

Mr. Edward W. Hardesty
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

RE: ITEM #17
Property Owner: Ark Read-Mix Concrete
Corp.
Location: Joppa Rd., 675' W. of
Jasper Ave.
Present Zoning: D.R. 5.5 (formerly M.L.)
Proposed Zoning: M.L. with variance for
building offset to property lines
District: 11th Sector Northeast
No. Acres: 2.25

Dear Mr. Hardesty:

The State Roads Commission has studied several lines for the proposed Whitemarsh
Boulevard. One of the lines seriously affects the subject site.

Transmitted herewith are two copies of the site plan on which has been indicated
the approximate effects to the site. One copy is for your file and one (1) copy
is for the petitioner.

We anticipate more definite information in the near future.

You will be advised accordingly.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
by: John E. Mayers
Asst. Development Engineer

CLJ:EMB

Encl.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardesty
ATTN: Oliver L. Myers
FROM: Ellsworth N. Dwyer, P.E.

Date: May 6, 1971

SUBJECT: Item #17 (April - October 1971)

Property Owner: Ark Read-Mix Concrete Corp.
Location: Joppa Rd., 675' W. of Jasper Ave.
Present Zoning: D.R. 5.5 (formerly M.L.)
Proposed Zoning: M.L. with Variance for building offset to
property lines
District: 11th Sector Northeast
No. Acres: 2.25

The following comments are furnished in regard to the plat submitted
to this office for review by the Zoning Advisory Committee in connection
with the subject item.

Highways:

This property has no apparent fee frontage on existing public roads.

Joppa Road from which access is taken through a 20-foot right-of-way
is planned for improvement as a 50-foot curb and gutter cross-section on a
70-foot right-of-way. Commercial access standards require a 24-foot minimum
entrance, 30-foot maximum.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary
or permanent) to prevent creating any nuisances or damages to adjacent
properties, especially by the concentration of surface waters. Correction
of any problem which may result, due to improper grading or improper
installation of drainage facilities, would be the full responsibility of
the Petitioner.

Provisions for accommodating storm drainage have not been indicated
on the submitted plan.

Public drainage facilities are required for any offsite drainage
facilities and any onsite facilities serving offsite areas, in accordance
with the standards of the Baltimore County Department of Public Works.

Onsite drainage facilities serving only areas within the site do not
require construction under a County contract. Such facilities are considered
private and therefore must conform to the County Plumbing and Building Codes.

Sediment Control:

Development of this property through stripping, grading and stabilization
could result in a sediment pollution problem, damaging private and public
holdings below this property, and sediment control is required by State Law.
A grading permit is, therefore, necessary for all grading, including the
stripping of top soil.

Item #17 (April - October 1971)
Property Owner: Ark Read-Mix Concrete Corp.
Page 2
May 6, 1971

Sediment Control: (Cont'd)

Grading studies and sediment control drawings will be necessary to be
reviewed and approved prior to the recording of any record plat.

Water:

Public water is available in Joppa Road. Public water is required for the
private improvement of property in this area of Baltimore County in accordance
with the Baltimore County Comprehensive Water plan.

Service within the site from the public system must be in accordance
with the Baltimore County Building, Plumbing and Fire Prevention Codes.
The service connection to the meter shall be in accordance with the standards
of the Baltimore County Department of Public Works.

Sanitary Sewer:

Public sanitary sewer facilities are not available to benefit this
property.

In accordance with the Baltimore County Comprehensive Sewerage Plan,
sanitary facilities are planned between 1970 to 1980 and individual sewerage
systems will be permitted where an adequate and safe system for disposal can
be developed, in accordance with the requirements of the Health Department,
Department of Public Works and the Baltimore County Building and Plumbing
Codes.

This plat should be revised to reflect a solution to the problems of
adequate access, public water supply, storm drain disposal and sanitary waste
disposal.

Ellsworth N. Dwyer
ELLSWORTH N. DWYER, P.E.
Chief, Bureau of Engineering

END:RAN:OWS:

cc: John Somers

File (3)

Key Sheet: M-W
Position Sheet: 35 NE 22
Topic: NE 9 F
Tax: 71

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardesty
TO: Zoning Commissioner
FROM: Project Planning Division
SUBJECT: Zoning Advisory Agenda Item #17

Date: May 12, 1971

April 27, 1971
Ark Read-Mix Concrete Corp.
Joppa Rd., 675' W. of Jasper Avenue

This plan has been reviewed and there are no site-planning factors requiring comment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning
FROM: Jack Dietrich - Plans Review
SUBJECT: #17 Ark Read-Mix Concrete Corp.
Joppa Rd., 675' W. of Jasper Avenue
District: 11

Date: April 29, 1971

No comment from the Buildings Engineers Office, at this time.

Jack Dietrich
Jack Dietrich - Plans Review

TO: Mr. Edward D. Hardesty, Zoning Commissioner DATE: 5/11/71

Attn: Mr. Myers

FROM: Planning Division
Fire Prevention BureauSUBJECT: Property Owner:
Ark Read-Mix Concrete Corporation

Location: Joppa Road, 675' W. of Jasper Avenue

Item #17

Zoning Agenda

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. Additional on site hydrants shall be required.

Respectfully submitted

H. Thomas Kelly
Planning Division
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 17 - Cycle Zoning
Property Owner: Ark Read-Mix Concrete Corp.
Joppa Road W. of Jasper Avenue
ML with variance for building offset to prop. lines

Date: May 12, 1971

The subject petition is requesting a change from DR 5.5 to ML. This change would increase the trip density from 170 to 750 trips per day. This increase in trip density should not create any major traffic problems to Joppa Road. However, should this area be considered for industrial use, more adequate access than now exists, must be provided.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:ar

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardesty, Zoning Commissioner
TO: Mr. Oliver L. Myers
FROM: H. B. Staab, Industrial Development Commission
SUBJECT: Item No. 17 - Reclassification Cycle Agenda
Owner: Ark Read-Mix Concrete Corporation
Location: Joppa Road, 675' West of Jasper Avenue
Present Zoning: D.R. 5.5 (formerly M.L.)
Proposed Zoning: M.L. with Variance for building offset to property lines
District: 11th Sector: Northeast
No. Acres 2.25

Date: May 10, 1971

The Industrial Development Commission has reviewed the subject petition.

The use of the land has been industrial in character for some time as a permitted use in the M. L. zone. We believe a continuation of this use and zoning classification is a reasonable request and should be granted favorable consideration.

H. B. Staab
H. B. STAAB
Director

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Ian J. Farness
SUBJECT: Item 17

Date: May 13, 1971

17. Property Owner: Ark Read-Mix Concrete Corp.
Location: Joppa Rd., 675' W. of Jasper Avenue
Present Zoning: D.R. 5.5 (formerly M.L.)
Proposed Zoning: M.L. with Variance for building offset to prop. lines
District: 11th Sector: Northeast
No. Acres: 2.25

A revised plan must be submitted showing the existing water supply and sewerage system. A detailed drawing of the present wash station must be submitted to this office for approval in order to assure proper disposal of waste water underground.

I. J. Farness
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJS/ca

P. O. Box 24
Ferry Hill, Maryland 21120
August 22, 1966

Mr. Frederick L. Donnelly, Jr.
Chairman, Baltimore County Council
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Donnelly:

This letter is about "A Patch of Blue". By "that", I am not referring to a movie currently showing by that name, but to a particular patch of blue designating an M. L. zone on the new Northwestern Zoning Map. This patch of blue was not on the map approved by the Planning Board, but was on the map approved by the County Council.

I personally and several other members of our Association definitely attended the Planning Board and County Council public hearings and the patch of blue was not on any planning map, nor was it requested to be put on it.

The area in dispute is located south of Joppa Road and about midway between Harford Road and Pehar Road. It comprises 2.25 acres and it is owned by Ark Read-Mix Concrete Corporation. This corporation purchased 1.59 acres of this parcel from a greenhouse operator in 1952 and obtained a special exception to use this 1.59 land as a sand and gravel pit. Along with this mining of sand and gravel they set up a read-mix concrete plant (a manufacturing operation). At different times they erected a cement silo, batch plant, office and truck repair garage, all without obtaining any building permits. In 1956, the balance of the "Patch of Blue" was purchased from the same florist and this area was mined of sand and gravel, but no permit was obtained for this use. An office building and truck weighing station were erected on this 8-6 area without a building permit. This same corporation made two additional purchases totaling about six more acres of 8-6 property and proceeded to spread their operations by using one of the greenhouses as a washing shop and stored finished trucks and finished their concrete trucks in full view of the Joppa Road residents. The attorney finally wrote and filed zoning complaints and Ark Concrete was ordered back to their original purchase of 1.59 acres.

Presently they are petitioning for M. L. zoning with variances (they not only did not get building permits but ignored setbacks too) to legalize their operations on this "Patch of Blue". This case is now pending at the Court of Appeals. If this "Patch of Blue" stays on the new map, this case is closed. Considering the publicity given this instance, we'd say this "Blue Area" is quite a reward for violating the law.

I wish to inform you, the other members of the County Council, and the County Executive, that an injunction has been filed to suspend this "Patch of Blue" on the Northwestern Map. We feel that the zoning laws of Baltimore County are there for the protection of the citizens. For you Commissioners to have legalized the actions of this corporation, which has deliberately flouted the zoning laws of our county, you have

Mr. Frederick L. Donnelly, Jr.

- 2 -

August 23, 1966

suspected this type of abuse, and we feel it was an extremely ill-advised action. We trust if you consider the facts of this case, you will not oppose this injunction. I have discussed the case with the Director of Planning and he has agreed not to oppose this injunction. I also spoke to the Planning Board at their meeting of August 11, and informed them that the Northwestern map which they approved, was not the same map which the County Council approved because of a "Patch of Blue". Change at the new map, and you will see a "Patch of Blue" sticking out like a sore thumb in the middle of a residential area.

The flagrant abuse of the zoning laws by this corporation remains as it is. I heard you discuss recently when you were guest speaker at a Citizens' Council meeting. Your subject was zoning code enforcement. You cited a case where a developer actually created an apartment house on a very restricted lot and received its zoning later to get the permitted use. You have then the matching to see that a legitimate abuse of the laws of our county is not condoned. This can now be the use of a single family house - exactly what he petitioned for. Similarly we are not objecting to the use of a sand and gravel pit on the area zoned for it, but don't give them a headache award and make us pay for it through lower property values. All we want is justice.

Thank you for any consideration of this matter. A delegation from our Association would like to discuss this matter further with you and any or all members of the Council at your convenience.

Joppa-Road Improvement Association congratulates you and the other Councilmen, the Planning Board and the Planning Staff on your outstanding achievement in adopting the new Northwestern map with the exception of "A Patch of Blue".

Very truly yours,

John W. Stanton
John W. Stanton
Joppa-Road Improvement
Association

JWS/cut

FILED OCT 31 1973

RECEIVED

NOV 1 1973

OFFICE OF LAW

Court of Special Appeals of Maryland

SEPTEMBER TERM, 1973

NO. 432

VERNON S. ROBERTS, et al.,
Appellants,

LYLE GRANT,
Appellee.

SPECIAL FROM THE CIRCUIT COURT FOR
BALTIMORE COUNTY
(JOHN N. MAGUIRE, Judge)

APPELLANTS' BRIEF

ERNEST C. TRIMBLE,
CHARLES W. T. TRIMBLE,
Whiteford, Taylor, Preston,
Trimble & Johnston,
Attorneys for Appellants.

THE PAUL M. HARRIS COMPANY, BALTIMORE, MARYLAND 21204

MICROFILMED THIS COVER ONLY

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: Oct. 14, 1971 ACCOUNT 01-562

AMOUNT \$172.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Messrs. Whiteford, Taylor,
Preston, Trimble & Johnston
Sun Life Bldg.-Charles Center
Baltimore, Md. 21201
Advertising and posting of property for Ark Read-Mix
#72-47-BA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland # 72-47-BA

District: 11th Date of Posting: Aug. 12-21
Posted for: Ark Read-Mix Concrete Corp.
Petitioner: Ark Read-Mix Concrete Corp.
Location of property: 675 East of Joppa Lane
Location of Signs: 2 Signs at Joppa Lane
Remarks: See map
Posted by: Paul H. Harris Date of return: Aug. 12-21

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland # 72-47-BA

District: 11th Date of Posting: Dec. 2, 1971
Posted for: Ark Read-Mix Concrete Corp.
Petitioner: Ark Read-Mix Concrete Corp.
Location of property: 675 East of Joppa Lane
Location of Signs: 2 Signs at Joppa Lane
Remarks: See map
Posted by: Paul H. Harris Date of return: Dec. 2, 1971

Ernest C. Trimble, Esq.,
404 Jefferson Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21201

Your Petition has been received and accepted for filing this

27th day of July, 1972

Petitioner: Ark Read-Mix Concrete Corp.

Petitioner's Attorney: Ernest C. Trimble, Esq.

Reviewed by: Edward D. Hordisty
Chairman of the
Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 12, 1972

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on successive days of August 12, 1972, the first publication appearing on the 12th day of August, 1972.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement: \$

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by									
2G, BA, CG, CA									
Reviewed by: <u>NE</u>									
Previous case: _____									
Revised Plans: _____									
Change in outline or description: Yes _____ No _____									
Map: <u>NE-4-C</u>									

TELEPHONE 484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE: April 20, 1971

TO: Ernest C. Trimble
305 W. Pennsylvania Avenue
Baltimore, Md. 21201

FROM: Zoning Dept. of Baltimore County

DEBIT TO ACCOUNT NO. 01-622

QUANTITY: 1

RETURN THIS PORTION WITH YOUR REMITTANCE

DETAILS ALONG PERFORMANCE AND KEEP THIS PORTION FOR YOUR RECORDS

Cost of Certified Documents - Case No. 72-47-BA

\$ 10.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE: June 16, 1972

TO: Ernest C. Trimble, Esq.
305 W. Pennsylvania Avenue
Towson, Maryland 21204

FROM: County Board of Appeals (Zoning)

DEBIT TO ACCOUNT NO. 01-712

QUANTITY: 1

RETURN THIS PORTION WITH YOUR REMITTANCE

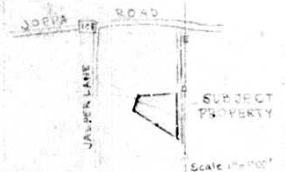
DETAILS ALONG PERFORMANCE AND KEEP THIS PORTION FOR YOUR RECORDS

Cost of Certified Documents - Case No. 72-47-BA

\$ 10.00

Map: 1024.05' from S/S Joppa Road and 675 E. of Joppa Lane
11th District
Ark Read-Mix Concrete Corp.,
Petitioner

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204



STATE ROADS COMMISSION

This is an Expressway, and no access either vehicular, pedestrian and/or animal will be permitted across the lines designated "Right of Way Line of Through Highway" except by means of such public road connections as the Commission may construct or permit to be constructed.

DR 5.5

SUSQUEHANNA TRANSMISSION CO.

PROPOSED RIGHT OF WAY LINE OF THROUGH HIGHWAY

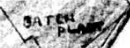
1024.06' TO E JOPPA ROAD
20' RIW

JOPPA ROAD

AREA 3

GREEN HOUSE AREA
UNDER LEASE

CONCRETE



DR 5.5
VACANT

TENTATIVE
SUBJECT TO REVISION
DATE 5/3/71
BUREAU OF LOCATION & SURVEYS
MD. STATE ROADS COMMISSION
NOT FOR PUBLIC INFORMATION
Chapter 59 of the Acts of 1956, Annotated Code of Maryland, provides that this plat may be used for official purposes only.

RIGHT OF WAY REQUIRED FOR PROPOSED HIGHWAY IMPROVEMENT

ARK READI-MIX CONC. CORP. (OWNER)
VERNON S. ROBERTS (CONTR. PURCH)

AREA OF PROP. 2.25 AC.
PRES. USE OF PROP. - OFFICE & UTILITY STORAGE
PROP. USE OF PROP. - OFFICE & UTILITY STORAGE

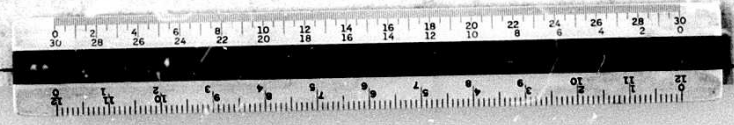
PRES. ZONING OF PROP. - DR 5.5 (FORMELY ML)
PROP. ZONING OF PROP. ML WITH VARIANCE FOR BUILDING OFFSET TO PROP. LINES

MULLER, RAPHEL & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
201 COURTLAND AVE.
TOWSON 4, MARYLAND



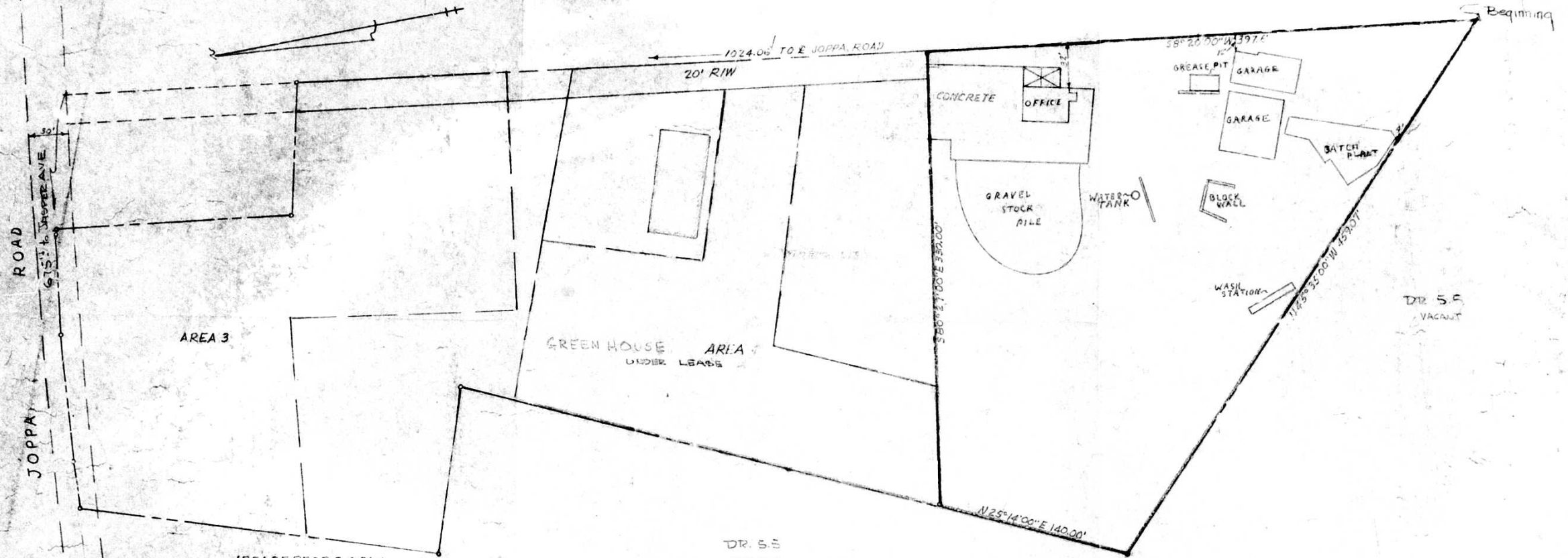
PLAT TO ACCOMPANY ZONING PETITION
11TH ELECT. DIST. BALTO. CO., MD.
SCALE 1"=50' APRIL 14-71

17 CHECK 548



DR 5.5

SUSQUEHANNA TRANSMISSION CO.



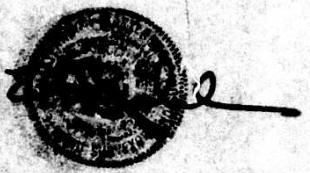
AREA OF PROP. 2.25 AC ±
 PRES. USE OF PROP. - OFFICE & UTILITY STORAGE
 PROP. USE OF PROP. - OFFICE & UTILITY STORAGE

PRES. ZONING OF PROP. - DR-5.5 (FORMERLY M1)
 PROP. ZONING OF PROP. M1 WITH VARIANCE FOR BUILDING OFFSET TO PROP. LINES

ARK READ-MIX CONC. CORP. (OWNER)
 VERNON S. ROBERTS (CONTR. PURCH.)

PLAT TO ACCOMPANY ZONING PETITION
 11TH ELECT. DIST. BALTO. CO. MD
 SCALE 1" = 50' APRIL 14-71

MULLER, RAPHEL & ASSOCIATES
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 201 COURTLAND AVE.
 TOWSON 4, MARYLAND



map 54
 NC 9-F
 4"
 6/1/71

MICROFILMED

