

RE: PETITION FOR SPECIAL PERMIT OF  
FREDERICK A. COLE AND VALLIE V. COLE,  
COLE, TO USE CERTAIN PROPERTY ON  
FREDERICK ROAD, CATONSVILLE,  
FOR FUNERAL HOME

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF  
Petition of  
Fred. A. Cole, and  
Vallie V. Cole  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

For A Special Permit  
To the Zoning Commissioner of Baltimore County

Frederick A. Cole and Vallie V. Cole Legal Owner

Contract  
Purchaser

hereby petition for a Special Permit, under the Zoning Regulations  
and Restrictions passed by the County Commissioners of Baltimore  
County, agreeable to Chapter 877 of the Acts of General Assembly of  
Maryland of 1943, for a certain permit and use, as provided under  
said regulations and Acts, as follows:

A Special Permit to use the land (and improvements now or  
to be erected thereon) hereinafter described for:

Funeral Home

North side of Frederick Road, near Catonsville, in the 1st  
District of Balt. Co., beginning 148.66' west of Springton  
Ave., thence westerly, on said side of Frederick Road, 201.34'  
with a right angle depth northerly of 200'.

Contract Purchaser

6280 Frederick Ave. Catonsville 28.  
Address

3/30/48  
3 P.M.

ORDERED by the Zoning Commissioner of Baltimore  
County this 8th day of March, 1948,  
that the subject matter of this petition be advertised in  
a newspaper of general circulation throughout Baltimore  
County and that the property be posted, as required by the  
Zoning Regulations and Act of Assembly aforesaid, and that  
a public hearing thereon be had in the office of the Zoning  
Commissioner of Baltimore County, Maryland, on the 30th  
day of March, 1948, at 3:00 o'clock  
P.M.

Zoning Commissioner  
of Baltimore County

ORDER in RE PETITION FOR SPECIAL PERMIT IN  
THE MATTER OF THE PETITION OF FREDERICK A.  
COLE AND VALLIE V. COLE, HIS WIFE, FOR A  
SPECIAL PERMIT TO USE CERTAIN PROPERTY ON  
FREDERICK AVENUE, CATONSVILLE, BALTIMORE COUNTY,  
MARYLAND, DESCRIBED IN SAID PETITION IN  
FURNAL HOME PERMIT CHARTER H. 1000, ZONING  
COMMISSIONER OF BALTIMORE COUNTY.

Pursuant to the advertisement, posting of the property, and pub-  
lic hearing in the above matter held on March 30, 1948, it is  
hereby determined and ordered by the Zoning Commissioner of  
Baltimore County this 31st day of March, 1948, that the said  
petition be and the same is hereby denied, and that the said  
property, or area, be and the same is hereby continued as a "Type  
residence zone" for the following reasons:

1 - The power and authority vested in the Zoning Commissioner  
to allow funeral homes in residential areas are limited under  
Section XIII, sub-section 3-A of the Zoning Regulations for Baltimore  
County, as follows:

"Before any such Special Permit shall be granted, it  
must appear that the use for which Special Permit  
is requested will not:

- (a) Be detrimental to the safety, health, morals  
and general welfare of the community involved.
- (b) Tend to create congestion in roads, streets  
and alleys in the area involved."

2 - There was a large group of people living within close prox-  
imity to the proposed site of the proposed funeral home who testified  
that the granting of the permit would adversely affect them in the  
comfortable enjoyment of their homes, and would be detrimental to  
their health and general welfare.

The language of the Court of Appeals of Maryland in the Jack  
Ivins case reported in 16th Maryland Report to my mind is conclusive  
on this point and leaves nothing to my discretion and determination.  
This language is as follows:

"That such a use may adversely affect persons residing in  
the immediate neighborhood of the proposed establishment in the com-  
fortable enjoyment of their homes, and lessen the value thereof for  
residential purposes, is neither an arbitrary nor an unusual pre-  
sumption, but on the contrary it is an inevitable inference from  
common knowledge of the nature and the minds of men. Because of their  
social nature, the certainty of death and the uncertainty of the time  
thereof, there is in the human race an instinctive horror of death,  
and upon the intuitive desire to postpone or avoid it, rests the first  
great law of nature. Death of the world's wealth is spent in prolonging  
life, the severest punishment known to the law is to be deprived of  
it, and few there are who when the last call comes leave the warm  
precincts of the cheerful day nor cast one longing lingering look behind.  
Death to the ordinary man is associated always with sorrow and pain,  
with the loss of those nearest and dearest to him, with severed friends.

ships that may not be renewed, and with the dissolution of ties  
of love and affection which sweetened his life, and cheered and  
consoled him in misfortune and adversity. Consequently, to one  
of normal sensibilities, the presence of dead bodies, the gloomy  
trappings of funeral rites, the call, the hearse, the shroud, and the  
casket, and the knowledge that within a few feet of his bodies  
are being prepared for sepulture, the unending coming and going  
of funeral processions, must have a depressing and disturbing  
effect wholly inconsistent with the healing repose and respite  
from work and worry, which, whatever its character, is usually  
associated with the atmosphere of the time. And in dealing with  
the question in issue here, such factors are quite as much en-  
titled to consideration as those which have a more direct,  
tangible, and physical effect, for it cannot now be doubted that  
physical deterioration may and probably will result from con-  
ditions which constantly depress and disturb the mind, nor, as  
was pointed out in the City of Baltimore v. Fairfield Dep. Cole,  
87 Md. 304, at p. 319 A. 1001, 1002, is it essential that the  
sensations aroused by such condition be based upon demonstrable  
facts."

Charles H. Doing  
Zoning Commissioner  
of Baltimore County

March 8, 1948

\$25.00

RECEIVED of Frederick A. Cole the sum of  
Eighteen (\$18.00) Dollars, being cost of petition  
for Special Permit for Funeral Home Frederick  
Road, North side, near Springton Avenue, Catonsville,  
1st District of Baltimore County.

Zoning Commissioner

Hearings  
Tuesday, March 30, 1948  
At 3 P. M.

PAID  
MAR - 5 1948  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY

CHARLES C. TALL  
OF TALL & DELLA  
THOMAS T. DOWNEY

PLATE 0708  
LITHOGRAPHED

TALL & DELLA  
ATTORNEYS AT LAW  
800 HANOVER TRUST BUILDING  
BALTIMORE 2, MD.

April 18, 1948

Charles H. Doing, Esq.  
Board of Zoning Appeals  
Reckord Building  
Townson 4, Maryland

Re: Petition for Special Permit of  
Frederick A. Cole and Vallie V. Cole  
N. S. Frederick Road, 148.66' W.  
of Springton Avenue, 1st District of  
Baltimore County, Petitioners

Dear Sir:

Please enter an appeal by the Petitioners from  
your order of March 31, 1948 to the Board of Zoning  
Appeals of Baltimore County.

For that purpose, check for \$22.00 is enclosed  
herewith, being the cost of the Appeal.

Very truly yours,  
Charles H. Doing  
Attorneys for Frederick A. Cole  
and Vallie V. Cole, Petitioners

HC718

April 9, 1948

\$22.00

RECEIVED of Tall & Della, Attorneys for Fred.  
A. Cole and Vallie Cole, petitioners, the sum of Twenty  
Two (\$22.00) Dollars, being cost of appeal to the  
Board of Zoning Appeals of Baltimore County from the  
decision of the Zoning Commissioner denying the petition  
for special permit to use the property on north side of  
Frederick Road, for funeral home.

Zoning Commissioner

PAID  
MAR - 5 1948  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
TOWSON, Maryland

1176-5

District: 1  
 Posted for: Funeral Home  
 Petitioner: Fred A. Cole  
 Location of property: north side of Frederick Road  
148 feet west of Symington Ave  
 Location of Signs: north side of Frederick Road  
248 feet west of Symington Ave  
 Remarks:  
 Posted by: Harry E. Bartels Date of return: Mar 19/48  
 Signature

**ZONING DEPARTMENT  
OF BALTIMORE COUNTY  
RE: PETITION FOR  
SPECIAL PERMIT**

Pursuant to petition filed with the County Commissioners of Baltimore County, for SPECIAL PERMIT to use the property hereinafter described for FUNERAL HOME, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing at the Zoning Office, in the Record Building, Towson, Baltimore County, Maryland:

On Tuesday, March 30, 1948,  
At 3:00 o'clock P. M.  
to determine whether or not the SPECIAL PERMIT petitioned for as aforesaid, should be granted, the property in said petition being particularly described as follows, to-wit:

All that parcel of land situate on north side of Frederick Road, near Catonsville, in the 1st District of Baltimore County, beginning 148.66' west of Symington Ave., thence westerly on said side of Frederick Road, 201.34' with a right angle depth northerly of 200'.

By Order of CHAS. H. DOING,  
Zoning Commissioner  
of Baltimore County.  
Mar. 12-19.

**OFFICE OF  
THE BALTIMORE COUNTIAN**

THE COMMUNITY NEWS  
Reisterstown, Md.

THE COMMUNITY PRESS  
Dundalk, Md.

THE HERALD-ARGUS  
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

March 30, 1948.

THIS IS TO CERTIFY, that the annexed advertisement of

*Charles H. Doing, Zoning Commissioner  
of Baltimore County*

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for Two successive weeks before the 30<sup>th</sup> day of March, 1948; that is to say the same was inserted in the issues of

March 12 and 19, 1948.

**THE BALTIMORE COUNTIAN**

By P. Morgan  
Editor and Manager.

