

#1330
no

RE: PETITION FOR RECLASSIFICATION FROM
AN "A" RESIDENCE ZONE TO A "C"
RESIDENCE ZONE - CHARLES ST., BOYCE
AND CHESTNUT AVES., Ninth District
of Baltimore County -
OSWALD L. BONIFAY, PETITIONER

The appeal in the above case having come on for
hearing before this Board, testimony having been taken,
counsel for the respective parties having been heard,
the case submitted and the entire matter having been
fully considered:

It is this 10th day of May, 1949, by the
Board of Zoning Appeals of Baltimore County, OSWALD
that the property described in the petition in the Ninth
Election District of Baltimore County shall remain classi-
fied as an "A" Residence Zone and the petition for said
reclassification is hereby denied; the decision of the
Baltimore County Zoning Commissioner being affirmed.

James H. Brown
Chairman
Charles J. Smith
Board of Zoning Appeals
of Baltimore County.

OPINION OF THE BOARD OF ZONING
APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION FROM
AN "A" RESIDENCE ZONE TO A "C"
RESIDENCE ZONE - CHARLES ST., BOYCE
AND CHESTNUT AVES., Ninth District
of Baltimore County -
OSWALD L. BONIFAY, PETITIONER

This is an appeal from the decision of the Zoning
Commissioner of Baltimore County, dated the 13th day of De-
cember 1948, denying the petition of the petitioner, Oswald
L. Bonifay, for reclassification of the property described in
the petition, from an "A" Residence Zone to a "C" Residence
Zone. The reclassification if granted would permit the
erection of apartments on the property described in the
original petition before the Zoning Commissioner. The
Board heard the testimony in this case on January 20, 1949
and on April 7, 1949; the petitioner and counsel for the
petitioner were heard also the protestants and the counsel
for the protestants were heard, the testimony was taken and
concluded. Petitions, evidence and arguments of counsel
have been fully considered by this Board.

The Board has noted that the Zoning Commissioner
in denying the petition stated that the reclassification would
be "spot zoning". This Board is in agreement with the Zoning
Commissioner that the reclassification would be "spot zoning".
In addition to this, however, after hearing the expert witnesses
and other testimony in this case this Board is of the opinion
that the lowering of the classification in this instance would
cause undue traffic hazards and create traffic congestion in
the general area of this property. Also this Board being very
familiar with the location and having recently made a physical
survey of the parcel of land involved in this petition believes

that apartments of the type the petitioner proposes to
erect would generally affect adversely property values of
the fine cottage type homes in this neighborhood. This
Board also believes that there can be no community need
in this area for the type of project proposed by this
petitioner.

It has also been noted that the petitioner
now states that he only plans to erect six apartment
buildings in the event this reclassification is granted.
However, it is a fact that the petitioner is only limited
to six apartment buildings at this time because of existing
sewer facilities but if the entire area is reclassified as
requested there is nothing to prevent the petitioner from
erecting further apartment units on this property when
additional sewerage and other facilities are installed by the
proper authorities. It follows in the opinion of this Board
the granting of the petition would have an adverse effect on
the health, safety, morals and the general welfare of the
community, in addition to the fact that the reclassification
would consist of "spot zoning".

For the reasons stated this Board will sign an
order in accordance with this opinion denying the reclassi-
fication from an "A" Residence Zone to a "C" Residence Zone
and affirming the decision of the Zoning Commissioner of
Baltimore County of December 13, 1948.

James H. Brown
Chairman
Charles J. Smith
Board of Zoning Appeals
of Baltimore County

PETITION FOR RECLASSIFICATION FROM
AN "A" RESIDENCE ZONE TO A "C"
RESIDENCE ZONE - CHARLES ST., BOYCE
AND CHESTNUT AVES., OSWALD L. BONIFAY,
PETITIONER.

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

Please enter an appeal from the order of the Zoning Commissioner
of Baltimore County denying the Petition for reclassification in the
above entitled Petition to the Board of Zoning Appeals of Baltimore
County and please transmit all records and proceedings in the above
entitled Petition to the said Board of Zoning Appeals of Baltimore
County.

Lawrence S. Johnson
Lawrence S. Johnson, Attorney
for OSWALD L. BONIFAY, Petitioner
Oswald L. Bonifay
OSWALD L. BONIFAY, Petitioner

Filed December 16, 1948.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9 Date of Posting: Nov 24/48
Posted for: Apartment Building
Petitioner: Oswald L. Bonifay
Location of property: Northwest corner of Charles St. & Boyce Ave.
Location of Signs: Signs on the west side of Charles at 20-00-00 ft north of Boyce Ave.
Signs on the south side of Boyce Ave. 100 ft west of Charles at 2 signs on east side
Remarks: Signs of Chestnut Ave. 100 ft north of Boyce Ave.
Posted by: Harry G. Bartlett Date of return: Nov 24

NOTICE OF BOARD PETITION FOR
RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "C"
RESIDENCE ZONE - CHARLES ST., BOYCE
AND CHESTNUT AVES., OSWALD L. BONIFAY,
PETITIONER.

CERTIFICATE OF PUBLICATION

TOWSON, Md. November 24, 1948
THIS IS TO CERTIFY That the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md.
day of December 1948 the first publication
appearing on the 19th of November
1948
THE JEFFERSONIAN.
Manager

Cost of Advertisement \$.....

November 24, 1948

\$41.00 ✓
RECEIVED of O. L. Bonifay, the sum of Forty One
(\$41.00) Dollars, being cost of petition for reclassi-
fication, advertising and posting of property, north-
west corner of Charles Street Avenue and Boyce Avenue,
9th District.

Zoning Commissioner

Hearings:
Monday, Dec. 6, 1948
at 2:00 p.m.

PAID
NOV 23 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
Baltimore

#1330 1330

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, HOWARD L. BONIFAY, legal owner... of the property situated

at the northeast corner of Charles Street Avenue and Boyce Avenue and described on attached sheet.

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RE-CLASSIFICATION.

Beginning for the same in the center of Chestnut Avenue, 40 feet wide, and running thence on the said centerline the six following courses and distances: first, North 10° 04' East 38.32 feet, second North 11° 21' East 50.0 feet, third, North 18° 46' East 50.0 feet, fourth, North 27° 08' East 50.0 feet, fifth, North 30° 18' East 50.0 feet, and sixth, North 32° 19' East 268.85 feet, running thence for lines of division the three following courses and distances: first, South 45° 52' East 520.07 feet, second, North 44° 08' East 315.0 feet, and third, South 45° 52' East 900.35 feet to the centerline of Charles Street Avenue, 30 feet wide, running thence on said centerline the eleven following courses and distances: first, South 45° 45' West 60.9 feet, second, South 50° 22' West 144.8 feet, third, South 56° 40' East 76.0 feet, fourth South 60° 46' East 81.4 feet, fifth, South 57° 14' West 63.1 feet, sixth, South 47° 56' West 62.7 feet, seventh, South 35° 43' West 56.3 feet, eighth, South 25° 10' West 55.7 feet, ninth, South 15° 23' East 100.0 feet, tenth, South 17° 49' West 56.0 feet, and eleventh, South 43° 30' West 520.0 feet to the centerline of Boyce Avenue 30 feet wide, running thence on said centerline North 61° 53' West 489.0 feet and North 60° 13' West 56.36 feet, leaving the centerline of Boyce Avenue and running for a line of division North 5° 12' East 213.09 feet to the south side of a proposed 40 foot road known as Hedge Road, running thence westerly on the said south side by a line curving to the left with a radius of 445.62 feet for a distance of 50.0 feet, said curve being subtended by a chord bearing North 83° 57' 08" East 40.98 feet, thence crossing said road North 10° 04' East 40.30 feet to the north side thereof, running thence for lines of division the four following courses and distances, first North 10° 04' East 294.50 feet, second North 7° 56' West 10.0 feet, third North 10° 04' East 400.00 feet and fourth North 77° 48' 48" West 160.11 feet to the center of Chestnut Avenue and the point of beginning.

Containing 30.5 acres of Land, more or less.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Howard L. Bonifay

Legal Owner

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of November 1948, that the subject matter of this petition be advertised, as required

by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg. in Towson, Baltimore County, on the 6th day of December 1948, at 2:00 o'clock P. M.

Charles H. Davis
Zoning Commissioner of Baltimore County

(over)

7 signs 21
Addr 10
Per #4154

herby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" residences zone to an "C" residences zone.

Reasons for Re-Classification: Apartment buildings

Size and height of building: front...feet; depth...feet; height...feet.

Front and side set backs of building from street lines: front...feet; side...feet.

Property to be posted as prescribed by Zoning Regulations.

I, BONIFAY agree to pay expenses of above re-classification, 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.

Howard L. Bonifay

Legal Owner

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of November 1948, that the subject matter of this petition be advertised, as required

by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg. in Towson, Baltimore County, on the 6th day of December 1948, at 2:00 o'clock P. M.

Charles H. Davis
Zoning Commissioner of Baltimore County

(over)

7 signs 21
Addr 10
Per #4154

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

It is Ordered by the Zoning Commissioner of Baltimore County this 13th day of December 1948, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a residence zone to a residence zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, being in an "A" Residence Zone, the granting of which would be "spot zoning"

It is Ordered by the Zoning Commissioner of Baltimore County, this 13th day of December 1948, that the above petition 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 a "A" Residence zone.

Charles H. Davis
Zoning Commissioner of Baltimore County

Approved _____
County Commissioners of Baltimore County
Date _____ By _____ President

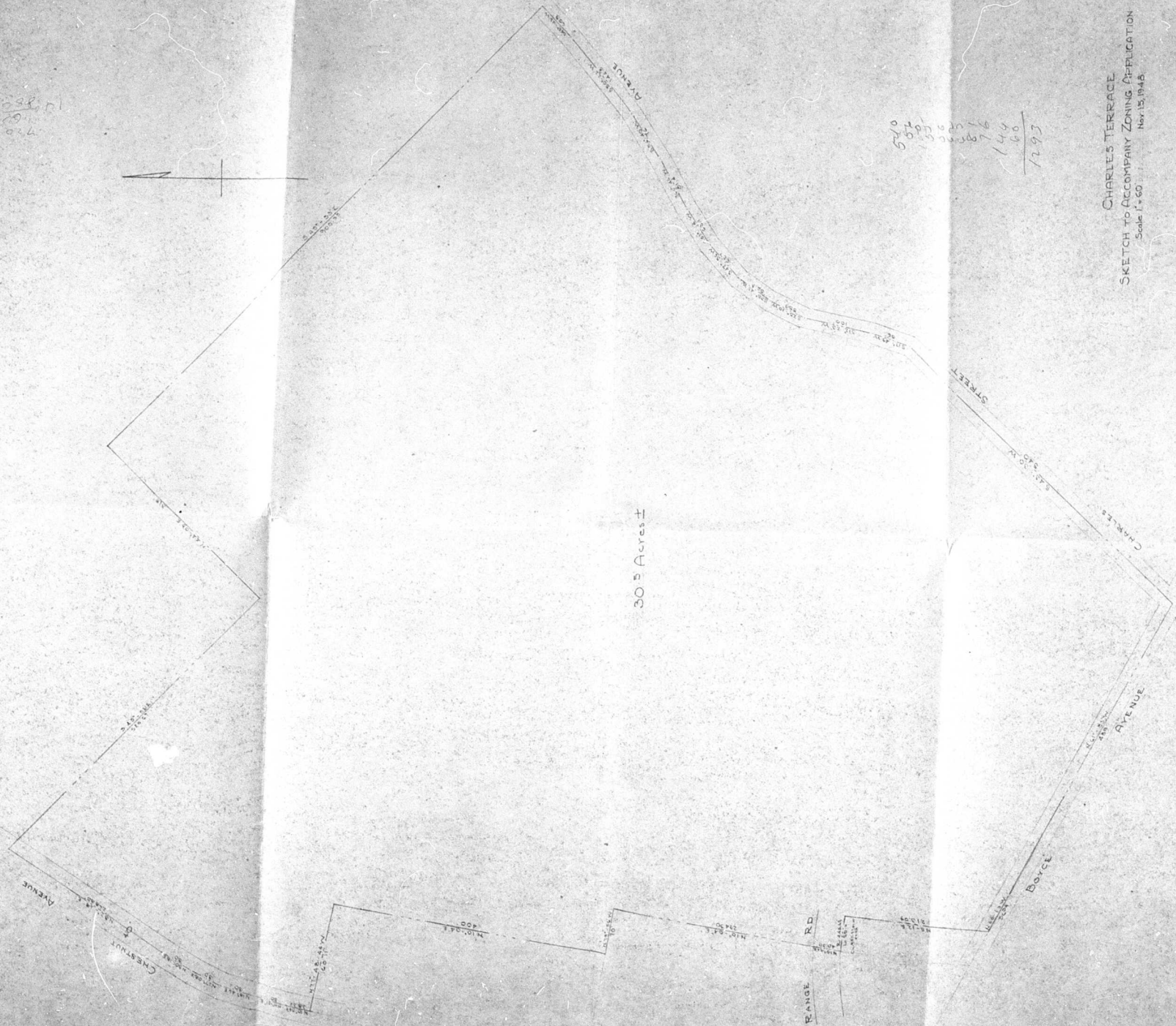
December 21, 1948

RECEIVED of Lawrence H. Henneman, Attorney for
Howard L. Bonifay, Petitioner, 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 of Baltimore
County passed in the matter of petition for reclassification of property, Charles St., Boyce and Chestnut
Avenues, 8th District of Baltimore County

Zoning Commissioner

PAID
DEC 21 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *Charles H. Davis*

596.71
20.1
024



540
51
132
38
36
76
144
60
1293

CHARLES TERRACE
SKETCH TO ACCOMPANY ZONING APPLICATION
Scale 1" = 60'
Nov 13, 1945