

RE: PETITION FOR RECLASSIFICATION OF PROPERTY FROM AN "A" RESIDENCE ZONE TO AN "B" COMMERCIAL ZONE, Southwest Corner of Kenwood and Greenwood Aves., 14th District of Baltimore County, FRANK J. LIPA AND CONJUGAL LIPA, his wife, PETITIONERS

Appeal in the above matter coming on for hearing on July 21, 1949 from an Order of the Zoning Commissioner of Baltimore County, dated June 2, 1949, denying the petition for reclassification, from an "A" Residence Zone to an "B" Commercial Zone, subject to a nonconforming use and it appearing from the evidence and facts adduced at the appeal hearing that the granting of the petition would be detrimental to the health, safety, morals and the general welfare of the community:

It is this 7th day of September, 1949, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner of Baltimore County in denying the petition for reclassification, from an "A" Residence Zone to an "B" Commercial Zone, be and the same is affirmed and reversed that portion of the Order of the Zoning Commissioner granting a nonconforming use.

Samuel H. Horne
Paul L. Shingler
Paul J. Carter
Board of Zoning Appeals
of Baltimore County

RECD JUN 11 1949

REC'D JUN 11 1949

IN THE MATTER OF PETITION FOR RECLASSIFICATION FROM "A" RESIDENCE ZONE TO "B" COMMERCIAL ZONE OF PROPERTY KNOWN AS 4607 KENWOOD AVENUE, BALTIMORE COUNTY, MARYLAND, FILED BY FRANK J. LIPA, ET AL.

Mr. Commissioner:

Please enter an appeal on behalf of William E. Dixon and Janie M. Dixon, his wife and other protestants from the Order of the Zoning Commissioner dated June 2, 1949 approving a non-conforming commercial use.

Spencer L. Baker
Attorney for Appellants
and Protestants

William E. Dixon
Janie M. Dixon
Appellants and Protestants

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by William E. Dixon and Janie M. Dixon and other protestants from the Order of the Zoning Commissioner of Baltimore County, dated June 2, 1949, approving a nonconforming commercial use, the Zoning Commissioner having denied the petition for reclassification of the property described therein and ordered it continued and to remain an "A" Residence Zone.

The case came on for hearing before the Board, testimony was taken and the petitioners for and against the reclassification were considered by the Board. The property, which is the subject of the petition, is located at the southeast corner of Kenwood and Greenwood Avenues, known as No. 4607 Kenwood Avenue, in the Fourteenth District of Baltimore County.

This property has the general appearance of a dwelling with the right front portion on the first floor, consisting of one large double room with a double glass window, converted for the use of a small grocery store by the Ode family. In 1941 the Ode family vacated the premises and sold the store business. The purchaser of the business occupied the residential portion as a residence and continued the store business in the vacated portion until May 1942 when he vacated the premises and the store business was abandoned.

On May 26, 1942 Walter Weller and wife leased the premises "exclusive of the room on the first floor formerly used as a store" and occupied the portion mentioned as a residence. On April 28, 1943 the lease with Weller and wife was cancelled and a new lease entered into with them embracing the entire building and Weller and wife occupied the entire premises as a residence until March 7, 1945 and at no time during the occupancy of Weller and wife part of the premises used for a store.

On November 16, 1944 the owner of this property entered into a contract with Frank J. Lipa and wife for the sale of the property which was consummated on January 28, 1949 subject to the Weller lease which was assigned to Lipa and wife on that date; Lipa and wife occupied the premises as a residence after Weller and wife vacated on March 7, 1945 and on July 9, 1946 Lipa and wife opened a beauty shoppe in the room formerly used as a store.

The Board, therefore, feels that there was an abandonment of the use of this property for a store on April 20, 1943. The Zoning Act of Baltimore County became effective on January 2, 1945 and on July 9, 1945 Lipa and wife opened a beauty shoppe in the room formerly occupied as a store. This was an actual change from the nonconforming use as a grocery store and, therefore, an illegal use of the premises, the owners not having applied for a reclassification to cover this type usage.

The Board feels that the lowering of the classification to an "B" Commercial Zone would create congestion in the roads, both Kenwood and Greenwood Avenues are narrow residential streets, would lessen safety from fire, panic, traffic and other dangers, would adversely affect the health, morals and/or the general welfare, would cause overcrowding of land, cause undue concentration of population, would interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements. The Board further finds that there is no community need for this commercial reclassification and that the use as a store property had been discontinued and the attempted use as a beauty shoppe was a change from a non-

conforming use as a grocery store and that there is, in fact, no nonconforming use of this property existing at this time.

Samuel H. Horne
Paul L. Shingler
Paul J. Carter
Board of Zoning Appeals
of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—
Francis J. Lipa and
XXX vs. Constance Lipa

at 4607 Kenwood Avenue - located at south-west corner of Kenwood Avenue and Greenwood Avenue, in the 14th District of Baltimore County, running westerly, on the south side of Kenwood Ave., 80' and binding on the west side of Greenwood Ave., and running southerly 189', being lots Nos. 1, 2 and 3, Sec. "B", on plat of Kenwood and known as No. 4607 Kenwood Ave.,

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an Residential zone to an Commercial zone.
Reasons for Re-Classification: This property has been used commercially at all times previously - as a confectionery and grocery store - and at present is being used as a beauty shop. Known as Kenwood Beauty Shoppe - where an operator has been employed at various times and sometimes have been and are sold on premises.
Size and height of building: front 40 feet; depth 49 feet; height 35 feet.
Front and side set backs of building from street lines: front 30 feet; side 10 feet.
Property to be posted as prescribed by Zoning Regulations.

XXX we, 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.

Francis J. Lipa
Constance Lipa
Legal Owner

4607 Kenwood Avenue
William E. Dixon
Janie M. Dixon
Appellants

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of April 1949 that the subject matter of the 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 herein be had in the office of the Zoning Commissioner of Baltimore County, in the Rockard Bldg., in Towson, Baltimore, on the 28th day of May 1949, at 11:00 o'clock A. M.
Charles H. Jones
Zoning Commissioner of Baltimore County
(over)

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

the above re-classification should be had
It is Ordered by the Zoning Commissioner of Baltimore County, this 11th day of April 1949, 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 Residential zone to a Commercial zone.

Zoning Commissioner of Baltimore County
Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT be had
It is Ordered by the Zoning Commissioner of Baltimore County, this 11th day of April 1949, 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 Residential zone, subject to a non-conforming use.
Zoning Commissioner of Baltimore County

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

NORTH

KENWOOD AVE.

EAST

GREENWOOD AVE

SCALE 1" = 20'

2 CAR
PARKING
SPACE
OF ROAD
ON PROPERTY

CERMENT WALK

THIS SECTION HAS
BEEN USED
COMMERCIALLY
AT ALL TIMES AND
NOW IS USED AS
KENWOOD BEAUTY SHOPPELIVING
ROOMDINING
ROOM

KITCHEN

HEDGES

ADJOINING
PROPERTY

129' 0 1/2"

PLOT PLAN OF 2 1/2 STORY BLDG. AT
4607 KENWOOD AVE. FOR PURPOSE
OF RECLASSIFICATION FROM RESIDENTIAL
TO COMMERCIAL ZONING.

BUILDING IS 40' X 49' 4" - GROUND IS 85' FRONT BY 129' 0 1/2" DEEP.

WEST (LOCATION IS EAST OF 6400 BELAIR RD.)

SOUTH

LOTS 1-2-3
Section 8
Kenwood