

3222

UPON the foregoing Petition and Affidavit, it is this 15th day of April, 1950, by the Circuit Court for Baltimore County,

ORDERED, that a writ of Certiorari issue directed to Samuel H. Hoover, Earl L. Maple and Sylvia F. Carter, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and Order of said Board of Zoning Appeals dated March 30, 1950, and requiring said Board to return to this Court all papers, records and proceedings in said matter and a transcript of all testimony presented before said Board in connection with said proceedings, and a copy of any and all rules and regulations pursuant to which said Order was entered and said Board acts, to enable this Court to review said Order and decision of the Board and that a return to this Petition shall be made and served upon DeSantis' attorneys within ten days from the date of this Order; and

IT IS FURTHER ORDERED that this Board of Zoning Appeals for Baltimore County shall return to this Court all the original papers or certified or sworn copies thereof and the return shall contain set forth such other facts as may be pertinent to show the grounds of the decision and Order appealed from, together with a transcript of all the testimony taken at the hearings and copies of the exhibits filed therewith.

J. Howard Murray
Judge

True Copy Test
Clerk

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "M" COMMERCIAL ZONE - 1410 SHORE ROAD, 15th District. FRANK DeSANTIS and MARY V. DeSANTIS, PETITIONERS

Appeal in the above entitled petition for reclassification coming on for hearing on the 24th day of March, 1950, from an Order of the Zoning Commissioner of Baltimore County, passed on the 23rd day of December, 1949, denying the petition for reclassification, from an "A" Residence Zone to an "M" Commercial Zone, and it appearing from the facts and evidence adduced at the appeal hearing that the petition for said reclassification should be denied, since the granting of same would adversely affect the health, safety, morals and/or the general welfare of the community, therefore:

It is this 30th day of March, 1950, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner in denying the petition in this matter is hereby affirmed.

Samuel Hoover
Chairman
Earl L. Maple
Sylvia F. Carter
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 AN "M" COMMERCIAL ZONE - 1410 SHORE ROAD, 15th District. FRANK DeSANTIS and MARY V. DeSANTIS, PETITIONERS

This is an appeal by Frank DeSantis and Mary V. DeSantis, his wife, owners of the property described in the petition from an Order and decision of the Zoning Commissioner of Baltimore County of December 23, 1949, by which Order the petition for reclassification, from an "A" Residence Zone to an "M" Commercial Zone was denied.

The case came on for hearing before the Board, testimony was taken, petitions of protest filed were considered by the Board and counsel for both sides heard.

The property, which is the subject of the petition, is located at 1410 Shore Road, in the Fifteenth District of Baltimore County. The purpose which the petitioners have in mind is for a restaurant. The adjoining property is commercial but in the opinion of the Board the granting of this reclassification would be "spot zoning" and the roads which lead to this property are quite narrow and inadequate for commercial traffic and the granting of this reclassification would cause congestion and create traffic hazards. The Board also feels that there is no need for this restaurant and the subsequent reclassification.

The Board, therefore, finds that the lowering of the classification to an "M" Commercial Zone would create congestion in the roads, streets and alleys, would lessen safety from fire, panic, traffic and other dangers would adversely affect the health, morals and/or general welfare of the community, would cause overcrowding of land and undue

concentration of population, would interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements. The Board, therefore, will sign an Order in accordance with this opinion.

Samuel Hoover
Chairman
Earl L. Maple
Sylvia F. Carter
Board of Zoning Appeals of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County: DeSantis, his wife, Frank DeSantis & Mary Victoria DeSantis, legal owners of the property situate known and designated as Lot No. 46 on the Plat of Bull Neck (Plat recorded Plat Book W.P.C. No. 4, folio 172, the improvements thereon being known as No. 1410 Shore Road, BEGINNING for the same at the intersection of the southeast side of Shore Road (Riverside Boulevard) with the northwest side of Stensbury Ave. and running thence on the southwest side of Shore Road N 22° 04' west 70' to the division line between lots Nos. 47 and 48, thence running and binding on said lot line S 69° 56' west 231', more or less, to the waters of Middle River, thence running southeasterly along the waters of Middle River 128', more or less, to the center line of Stensbury Ave., thence running and binding on the center line of Stensbury Ave., N 58° 27' east 255', more or less, to the southwest side of Shore Road and thence running and binding on the southwest side thereof N 81° 17' west 22.43' to beginning.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence zone to an "M" Commercial zone.

Reasons for Re-Classification: _____

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.

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 of Baltimore County.

Frank DeSantis
Frank DeSantis
Mary Victoria DeSantis
Legal Owners
Address 339 S. Conkling Street, Baltimore 24, Md.

ORDERED by The Zoning Commissioner of Baltimore County, this 23rd day of November, 1952, 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 hooded Bldg., in Towson, Baltimore County, on the 16th day of December, 1949, at _____ o'clock A. M.

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 _____

It is Ordered by the Zoning Commissioner of Baltimore County this _____ day of _____, 19____, 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 _____ zone to a _____ 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 a residential zone, the granting of which would be "spot zoning"; also the narrowness of the roads being inadequate for commercial traffic would cause congestion and create traffic hazards.

It is Ordered by the Zoning Commissioner of Baltimore County, this 2nd day of December, 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 n. "A" Residence zone.

Charles H. DeLong
Zoning Commissioner of Baltimore County

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

REC'D DEC 30 1949

#1378

IN THE MATTER OF: BEFORE
PETITION OF FRANK DeSANTIS and MARY V. DeSANTIS TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY FOR RE-CLASSIFICATION FROM "A" RESIDENCE ZONE TO "M" COMMERCIAL ZONE OF PROPERTY KNOWN AS 1410 SHORE ROAD, FIFTEENTH DISTRICT OF BALTIMORE COUNTY, MARYLAND.

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ORDER FOR APPEAL

MR. COMMISSIONER:
Please enter an Appeal to the Board of Zoning Appeals for Baltimore County in the matter of the Order of the Zoning Commissioner of Baltimore County, Maryland, passed in the above captioned cause on December 23, 1949, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

David Wright Jr.
Charles H. DeLong
Attorneys for Petitioners

Case 24-24

1598

#1378

MOV

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 _____ day of _____, 19____, 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 _____ zone to a _____ 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 a residential zone, the granting of which would be "spot zoning"; also the narrowness of the roads being inadequate for commercial traffic would cause congestion and create traffic hazards.

It is Ordered by the Zoning Commissioner of Baltimore County, this 2nd day of December, 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 n. "A" Residence zone.

Charles H. DeLong
Zoning Commissioner of Baltimore County

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

November 25, 1949

\$10.00

RECEIVED of H. Richard Spalkin, Attorney for Frank DeSantis, et al, the sum of Eighteen (\$18.00) Dollars, being cost of petition for reclassification, advertising and posting of property, Southwest side of Shore Road, 15th District of Baltimore County.

Hearing:
Friday, Dec. 15, 1949
at 11:00 a.m.

Zoning Commissioner

PAID
NOV 26 1949
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

#1598

January 12, 1950

\$22.00

RECEIVED of Smalkin & Hessian, Attorneys, the sum of Twenty Two (\$22.00), being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the petition for reclassification of the property on the southwest side of Shore Road & Northwest side of Stansbury Road, 15th District of Baltimore County.

Zoning Commissioner

PAID
JAN 17 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*

MICROFILMED

#1598

May 15, 1950

\$7.00

RECEIVED of H. Richard Smalkin, Attorney for Frank DeSantis, and wife, the sum of \$7.00, being cost of certified copies of petition and papers filed in the matter of reclassification of property, Shore Road, 15th District of Baltimore County.

Zoning Commissioner

PAID
MAY 15 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*

MICROFILMED

H. Richard Smalkin, Esquire,
2801a Building,
Towson 4, Maryland

to

May 12, 1950

County Commissioners of
Baltimore County
Zoning Department of
Baltimore County,
Reckord Building,
Towson - 4, Maryland

Certified copies of petition, and other papers in connection with the petition for reclassification of property, Shore Road, 15th District Frank DeSantis, and wife, petitioners

\$7.00

MICROFILMED

C. STATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1598

District: 15-14 Date of Posting: 12/1/50
Posted for: Mr. DeSantis & Mrs. Conn
Petitioner: H. R. DeSantis
Location of property: S. W. Cor. Shore Rd. & Stansbury Dr.
Location of Signs: None
Remarks: W. H. [Signature]
Posted by: W. H. [Signature] Date of return: 12/1/50

MICROFILMED

NO PLAT
IN
THIS FOLDER