

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "M" COMMERCIAL ZONE, N. W. 314 York Road, 150 ft. S. Rodgers Forge Road, Ninth District. James Kealty, Jr. and Joseph Kealty, Petitioners

MAP #9

Appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on March 16, 1950 from an Order of the Zoning Commissioner of Baltimore County, dated January 19, 1950, granting the petition for reclassification, in part, from an "A" Residence Zone to an "M" Commercial Zone, and it appearing to the Board from the location of the property, evidence and facts adduced at the hearing that an additional area should have been reclassified and the remaining portion of the entire area remain an "A" Residence Zone therefore classified:

It is this 30th day of March, 1950, ORDERED by the Board of Zoning Appeals of Baltimore County that the aforesaid Order of the Zoning Commissioner in granting the petition in part be sustained. The area reclassified being described as follows:

Beginning on the same on the northwest side of York Road at a distance of 150 feet southerly from the south side of Rodgers Forge Road, and running thence southerly blinding on the northwest side of York Road, 275 feet with a depth of even width westerly of 150 feet.

James H. Davis, Chairman; James J. Kealty, Jr., Board of Zoning Appeals of Baltimore County

Approved: County Commissioners of Baltimore County

James R. Kealty, Jr., President

Date, May 5/50

OFFICE OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by the Rodgers Forge Community Association and other protestants from the Order and decision of the Zoning Commissioner of Baltimore County dated January 19, 1950, by which Order the petition for reclassification of the property described in the petition, from an "A" Residence Zone to an "M" Commercial Zone was granted in part, described as follows:

All that parcel of land in the Ninth District of Baltimore County, beginning for the same on the west side of York Road at a distance of 150 feet southerly from the south side of Rodgers Forge Road, and running thence southerly blinding on the west side of York Road 275 feet with a depth of even width westerly of 150 feet.

The remainder of said property sought to be reclassified shall remain an "A" Residence Zone.

The case came on for hearing before the Board, testimony was taken, petitions filed for and against the reclassification were considered and counsel for both sides heard. The property immediately to the north of the land, sought to be reclassified, has been zoned commercial for 150 feet on the northeast side of York Road and for a distance of 150 feet on Rodgers Forge Road and is now used for a gasoline service station. The southernmost 200 feet of the property on the southwest side of York Road by an even rectangular depth of 200 feet now enjoys a nonconforming commercial use and is occupied by the Old Trail Plant Shop. This leaves an area of 75 feet by 150 feet between the gasoline service station and the Old Trail Plant Shop. The Board feels that the granting of this 75 feet is merely an extension of the present commercial zone

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and that this particular piece of property would not be adaptable for residential purposes. The granting of the reclassification for commercial use as to the southernmost 200 feet, referred to above, is merely reclassifying a nonconforming commercial use to an "M" Commercial Zone.

The Board feels that with the granting of this reclassification, that this is the logical stopping point as to the commercial area between the Rodgers Forge Road and Dumbarton Road and the petitioners herein have advised the Board that they do not intend to ask for any further commercial classification between the southernmost point of the land described herein and Dumbarton Road.

The Board, therefore, finds that the lowering of the classification to an "M" Commercial Zone would not create congestion in the roads, streets and alleys, would not lessen safety from fire, panic, traffic and other dangers, would not adversely affect health, morals and/or the general welfare, would not cause over-spreading of land, or cause undue concentration of population, would not 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 affirming the action of the Zoning Commissioner.

James H. Davis, Chairman; Board of Zoning Appeals of Baltimore County

REC'D JAN 28 1950. Re: Petition of James & Joseph Kealty for reclassification of property on N.W. York Rd. 150' S. Rodgers Forge Rd. 9th Dist. Chas. H. Davis, Zoning Commissioner

Mr. Davis: Please enter an appeal from your order of Jan 19, 1950 to the Board of Zoning Appeals.

John E. Davis, Jr., Atty for Rodgers Forge Community Assn.

Ed. Jan 28, 1950.

Petition for Zoning Re-Classification

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To The Zoning Commissioner of Baltimore County--

I, or we, James Kealty and Joseph Kealty, legal owners of the property situate beginning on north west side of York Road distance of 150 feet southerly from south side Rodgers Forge Road and thence southerly blinding on north west side of York Road 275 feet thence northwesterly at right angles to York Road 200 feet thence northwesterly parallel to York Road 350.2 feet to south side of Rodgers Forge Road, thence easterly blinding on Rodgers Forge Road 60.50 feet thence southerly parallel to York Road 110 feet thence southerly 141.50 feet to place of beginning.

I 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.

Reason 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.

I, or 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.

James Kealty, Jr., Legal Owner

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of December 1949 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 here be had in the office of the Zoning Commissioner of Baltimore County, in the County of Baltimore, in Town, Baltimore County, on the 6th day of January 1950 at 10:00 o'clock A. M.

RE: PETITION OF JAMES & JOSEPH KEALTY FOR RE-CLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "M" COMMERCIAL ZONE OF PROPERTY ON 314 YORK ROAD, 150' S. RODGERS FORGE ROAD, 275 DISTRICT OF BALTIMORE COUNTY.

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Pursuant to the advertisement, posting of property, and reason of the fact that the granting of the hereinafter described extension of an existing commercial zone, it seems to me that the commercial purposes.

This fact becomes more impressive when one realizes that the southernmost 200' of the property fronting on York Road will be reclassified enjoys a lawful non-conforming commercial use.

I do not find that the reclassification of said property will be detrimental to the health, safety, morals and general welfare of the community, or will create congestion in the streets and roads if reasonable and suitable off-street parking area is provided, it being a condition precedent to the granting of this extension of an existing commercial zone, that the parking area be provided for each one square foot of area to be covered by a commercial building or buildings, and that all of the provisions of the Zoning Regulations and Restrictions for Baltimore County applicable to commercial zones and commercial buildings be complied with.

The portion of said property hereby reclassified, subject to the provisions of the off-street parking area, as above described, is described as follows: Beginning for the same on the west side of Rodgers Forge Road, and running thence southerly blinding westerly of 150'. The remainder of said property sought to be reclassified shall remain an "A" Residence Zone.

Therefore, it is ORDERED by the Zoning Commissioner of Baltimore County this 7th day of January, 1950, that the above described property be reclassified as an "M" Commercial Zone from and after the date of this Order from an "A" Residence Zone to an "M" Commercial Zone.

Approved: James R. Kealty, Jr., County Commissioners of Baltimore County

Date May 5/50

REC'D DEC 27 1949

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CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1949

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 December 22, 1949, before the 5th day of January, 1950, the first publication appearing on the 16th day of December 1949.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

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District: Commercial Date of Posting: Dec 25/49. Petitioner: James & Joseph Kealty Location of property: north side of York Road, 150' south of Rodgers Forge Road. Remarks: south side of Rodgers Forge Road, 150' west of York Road. Posted by: Harry D. ... Date of return: Dec 25/49.

PAID 65 1950 BALTIMORE COUNTY

December 16, 1949

\$25.00 ✓

RECEIVED of Michael Paul Smith, Attorney for Joseph S. Keelty and James Keelty, Petitioners, the sum of Twenty Five (\$25.00) Dollars, being cost of petition for reclassification, advertising and posting of property, northwest side of York Road, 9th District of Baltimore County.

~~Zoning Commissioner~~

Hearings:

Friday, Jan. 5, 1950

at <sup>10:00</sup> 11:00 a.m.



