

1636

MAP #9

RE: PETITION FOR RECLASSIFICATION FROM A "B" RESIDENCE ZONE TO A "D" RESIDENCE ZONE - S. S. BURKE AVE., 652 FT. E. MARYLAND AVENUE, ENGLE-MERRITT, INCORPORATED, PETITIONER

Appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on March 23, 1950 from an Order of the Zoning Commissioner of Baltimore County, dated February 24, 1950, denying the petition for reclassification of property described therein, from a "B" Residence Zone to a "D" Residence Zone and it appearing from the facts and evidence adduced at the appeal hearing that the granting of this petition would not be detrimental to the health, safety, morals and the general welfare of the community, therefore:

It is this 30th day of March, 1950, by the Board of Zoning Appeals of Baltimore County, ORDERED that the Order of the Zoning Commissioner of Baltimore County be and the same is hereby reversed, and, it is further ORDERED that the Zoning Commissioner grant the petition for reclassification of the property described in these proceedings, from a "B" Residence Zone to a "D" Residence Zone.

Approved:

Date: May 10, 1950

County Commissioners of Baltimore County

By: Calvin J. Carter

I dissent from the above Order Calvin J. Carter

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Engle-Merritt, Incorporated, owners of the property described in the petition from an Order and decision of the Zoning Commissioner of Baltimore County, dated February 24, 1950, by which Order the petition for reclassification of the property, from a "B" Residence Zone to a "D" Residence Zone was denied. The case came on for hearing before the Board, testimony was taken on behalf of the petitioners and was considered by the Board and counsel for the petitioner was heard, there being no pro-testants at the hearing before the Board.

The property which is the subject of the petition is located on the south side of Burke Avenue, beginning 652 feet from a stone located at the intersection of Burke and Maryland Avenues, in Towson, in the Ninth District of Baltimore County.

The purpose which the petitioner has in mind is a group of six residences. Immediately in the rear of this property are group houses, to the east of it the Baltimore County Pumping Station and diagonally across the street is the florist shop of George Halsebaugh.

The Board, therefore, feels that the granting of this reclassification is merely an extension of the group houses immediately adjacent to this property.

The Board, therefore, finds that the lowering of the classification to a "D" Residence 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 the health, morals and/or the general welfare, will not cause overcrowding of land, will not cause undue concentration of population, will not interfere with adequate provision for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements. The Board further finds that there is no other adequate and proper use to which this land could be put that would be advantageous to the owners as well as the surrounding properties, and will sign an Order in accordance with this opinion.

Chairman Board of Zoning Appeals of Baltimore County

I hereby dissent in the above opinion:

Calvin J. Carter

RECD FEB 28 1950

Re: Petition for Reclassification from a "B" Residence Zone to a "D" Residence Zone - S. S. Burke Ave., East of Maryland Ave., 9th District of Baltimore, Engle-Merritt, Inc., Petitioner

Mr. Charles H. Deing, Zoning Commissioner of Baltimore County

Dear Mr. Deing:

Please enter an appeal from your decision in the above matter to the Board of Zoning Appeals and transmit all papers to said Board.

Engle-Merritt, Inc. Board of Zoning Appeals

Petition for Zoning Re-Classification

To the Zoning Commissioner of Baltimore County -

I, or we, Engle-Merritt, Inc., legal owner of the property situated

In the Ninth Election District of Baltimore County, located on the South side of Burke Avenue, 652' from a stone located at the intersection of Burke Ave. & Maryland Avenue, thence running west 154' (see W.P.C. 272, folio 158), south 150', west 150', south 150', containing 0.402 of an acre of land more or less.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "B" zone to a "D" zone. Reasons for Re-Classification: Removal of existing residential use, and the erection of a new building up to the base line and apartment houses within a stone's throw of each other because of the drainage stream bordering and property on the east side of the street, and the erection of a new building and property in addition there are well-situated houses across the street with row houses backing up to said well-situated houses.

Site 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 for Baltimore County.

ENGLE-MERRITT, INC. 2, Towson, Md. 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of February 1950, 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 herein be held in the office of the Zoning Commissioner of Baltimore County, in the Reister Ridge, in Towson, Baltimore County, on the 2nd day of February 1950 at 2 o'clock P.M.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, the granting of which would be "spot zoning" also the street is not wide enough to permit curb parking, which group houses induce, thereby creating congestion on this important thoroughfare. The question of proper zoning classification for this tract was passed upon by the Zoning Commissioner with knowledge by the petitioners in our Case No. 1130 and reclassified to a "B" Residence Zone by Order dated February 13, 1948.

It is Ordered by the Zoning Commissioner of Baltimore County, this 27th day of February 1950, 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 "B" Residence Zone to a "D" Residence Zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, the granting of which would be "spot zoning" also the street is not wide enough to permit curb parking, which group houses induce, thereby creating congestion on this important thoroughfare. The question of proper zoning classification for this tract was passed upon by the Zoning Commissioner with knowledge by the petitioners in our Case No. 1130 and reclassified to a "B" Residence Zone by Order dated February 13, 1948.

It is Ordered by the Zoning Commissioner of Baltimore County, this 27th day of February 1950, that the above described property or area be and the same is hereby continued as and to remain a "B" Residence Zone.

Approved: County Commissioner of Baltimore County

January 18, 1950

\$250.00

RECEIVED of Engle-Merritt, Inc. the sum of Twenty (\$200.00) Dollars being cost of petition for reclassification, advertising and posting of property on the north side of Burke Avenue, 9th District of Baltimore County.

Zoning Commissioner

Hearing: Friday, Feb. 3, 1950 at 3:00 p. m.

PAID JAN 11 1950 COUNTY COMMISSIONERS OF BALTIMORE COUNTY

February 23, 1950

\$250.00

RECEIVED of Engle-Merritt, Incorporated, the sum of Twenty Two (\$220.00) 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 reclassification of property on the south side of Burke Avenue, from a "B" Residence Zone to a "D" Residence Zone.

Zoning Commissioner

Hearing: Thursday, March 2, 1950 at 1:30 p.m.

PAID MAR 2 1950 COUNTY COMMISSIONERS OF BALTIMORE COUNTY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1636

District 9 Date of Posting Jan 20/50
Posted for: B to D
Petitioner: Engle-Merritt
Location of property: S side of Burke Ave 652 feet east of
Maryland Ave
Location of Signs: south side of Burke Ave 722 feet east
of Maryland Ave
Remarks:
Posted by Harry C. Gartside Date of return: Jan 20/50
Signature

NOTICE OF ZONING PETITION FOR
RECLASSIFICATION—CITY DIST.

Pursuant to petition filed with the
Zoning Commission of Baltimore
County for change of reclassification
from the B Residential Zone to a D
Residential Zone of the property here-
inafter described, the Zoning Commis-
sioner of Baltimore County, by author-
ity of the Zoning Act and Regulations
of Baltimore County, will hold a public
hearing at the Zoning Office, 35, 36
Howard Building, Towson, Baltimore
County, Maryland.

On Friday, February 3, 1950,
at 1:30 P. M.

to determine whether or not the fol-
lowing mentioned and described prop-
erty should be changed or reclassified,
or otherwise, all interested persons
desire to be heard to do so.

All that parcel of land in the south
side of Burke Avenue, Town 2, in the
10th District of Baltimore County, be-
ginning 652 feet east of Maryland Ave-
nue, thence westerly on the north side
of Burke Avenue 124 feet, thence
southerly 124 feet, thence westerly 114
feet and thence southerly 124 feet to
beginning, being property of Engle-
Merritt, Inc., as shown on plat filed
with the Buildings and Zoning
Department.

By Order of CLARE H. COONAN,
Zoning Commissioner of
Baltimore County.
JAN 25-50

RECD JAN 24 1950

#1636

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 20, 1950

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ~~successive weeks~~
at 2 times ~~successive weeks~~ before the 3rd
day of February 1950, the first publication
appearing on the 16th day of January
1950.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$

