

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "A" COMMERCIAL ZONE, East side of Marlyn Ave., 4880 ft. S. Eastern Ave. Wm. K. and Mary Freyer, Petitioners

Appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on June 1, 1950 from an Order of the Zoning Commission of Baltimore County, dated May 5, 1950, denying the petition for reclassification of the property, described therein, from an "A" Residence Zone to an "A" Commercial Zone and it appearing 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 8th day of June, 1950, ORDERED by the Board of Zoning Appeals of Baltimore County, that the Order of the Zoning Commissioner is hereby reversed, and it is directed that the Zoning Commissioner grant the petition for reclassification of the property described in these proceedings, from an "A" Residence Zone to an "A" Commercial Zone, subject, however, to the provision of at least two and one-half square feet of off-street parking area for every square foot of land to be covered by commercial buildings, also, subject to a setback of 50 feet for any buildings to be erected from the east side of Marlyn Avenues.

Approved: Charles H. Hays
Chairman
County Commissioners
of Baltimore County
By John R. Hays
Secretary

Date: July 17/50

MICROFILMED

OPINION OF THE BOARD OF ZONING
APPEALS OF BALTIMORE COUNTY

This is an appeal by William K. and Mary Freyer, his wife, owners of the property described in the petition from the order and decision of the Zoning Commissioner of Baltimore County dated May 5, 1950 by which order the petition for reclassification, from an "A" Residence Zone to an "A" Commercial Zone was denied.

The case came on for hearing, testimony was taken on behalf of the petitioner, there were no protestants and counsel for the petitioner heard. The property which is the subject of the petition is located on the east side of Marlyn Avenue, in Essex, in the 15th District of Baltimore County. The petitioner desires to establish a hardware store on this property and there are no hardware stores in the immediate neighborhood and the Board feels from the testimony there is a need for a store of this type at this location.

The petitioner testified that there would be adequate provision made for parking and he further agreed to a setback for the store of at least 50 feet from the east side of Marlyn Avenue. The Board, therefore, finds that the lowering of the classification to an "A" 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 morals and the general welfare, would not cause over-crowding of land or cause undue concentration of population, would not interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements and conveniences. The Board further feels that the building to be erected should be set back at least 50 feet from the east side of Marlyn Avenue.

MICROFILMED

Charles H. Hays
Chairman
Board of Zoning Appeals
of Baltimore County

IN THE MATTER OF: WILLIAM K. FREYER and MARY FREYER, his wife, FOR RECLASSIFICATION FROM "A" RESIDENCE ZONE TO "A" COMMERCIAL ZONE OF PROPERTY SITUATE ON EAST SIDE OF MARLYN AVENUE, 4880 FEET SOUTH OF EASTERN AVENUE, ESSEX, BALTIMORE COUNTY, MARYLAND

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, State of Maryland, passed in the above captioned case on May 5, 1950, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

Charles H. Hays
Attorneys for Petitioners

LAW OFFICE
SHALIN & HESSEN
TOWSON, MARYLAND

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: Mar 31/50
Posted for: Commercial
Petitioner: Wm. K. Freyer
Location of property: East side of Marlyn Ave. 4230' south of Eastern Ave.
Location of Sign: East side of Marlyn Ave. 4340' south of Eastern Ave.
Remarks: Harry C. Gortchak
Posted by: Harry C. Gortchak Date of return: Mar 31/50

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NOTICE OF ZONING PETITION FOR RECLASSIFICATION FROM RESIDENCE TO COMMERCIAL
Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification, from an "A" Residence Zone to an "A" Commercial Zone of the property and area hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Zoning Office, in the Richard Building, Towson, Baltimore County, Maryland, on Friday, April 14, 1950, at 11:00 a.m.
The petitioner desires or has the following mentioned and described property should be changed or reclassified as indicated for: Any purpose Commercial Use, to wit: All that parcel of land on the east side of Marlyn Ave., Essex, in the 15th District of Baltimore County, beginning 4880 feet south of Eastern Avenue, thence southerly, on the east side of Marlyn Ave., 123 ft. N 6° west 123 feet and thence S 4° west 123 feet to become the property of Wm. K. Freyer as shown on plat filed with the Zoning Department.
By Order of Chas. H. Hays, Zoning Commissioner of Baltimore County
Mar. 28/50

OFFICE OF THE BALTIMORE COUNTEAN
THE COMMUNITY NEWS
Baltimore, MD
THE HERALD-ARGUS
Catonville, MD
No. 1 Newburg Avenue CATONSVILLE, MD.

March 24 1950
THIS IS TO CERTIFY, that the annexed advertisement of Charles H. Hays, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTEAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 1st day of April 1950, that is to say the same was inserted in the issues of March 24 & 31, 1950
THE BALTIMORE COUNTEAN
By P. T. Morgan Editor and Manager.
MICROFILMED

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County.
RE: vs. William K. and Mary Freyer, legal owner, of the property situate on east side of Marlyn Ave. & Essex in the 15th District of Balto. Co., beginning 4880 ft. south of Eastern Ave., thence southerly, on the east side of Marlyn Ave., 123 feet, thence S 4° west 123 feet, thence N 6° west 123 feet and thence S 4° west 123 feet to beginning.

herby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an A Residence Zone to an A Commercial Zone.

Reason for Re-Classification: As the property is situated on the east side of Marlyn Ave. & Essex in the 15th District of Baltimore County, beginning 4880 ft. south of Eastern Ave., thence southerly, on the east side of Marlyn Ave., 123 feet, thence S 4° west 123 feet, thence N 6° west 123 feet and thence S 4° west 123 feet to beginning.

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, 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.

William K. and Mary Freyer
Legal Owner

Address: 4340 S. Eastern Ave. 2

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March 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 had in the office of the Zoning Commissioner of Baltimore County, in the Richard Bldg., in Towson, Baltimore County, on the 14th day of April 1950, at _____ o'clock A.M.

Charles H. Hays
Zoning Commissioner of Baltimore County
(over)

MICROFILMED

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 _____ to _____.

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 area, the granting of which would be "spot zoning". The right-of-way width of road is inadequate for commercial use. There are ample commercial zones established in close proximity to take care of the needs of the community, therefore.

It is Ordered by the Zoning Commissioner of Baltimore County, this 17th day of May, 1950, 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 an A Residence zone.

Charles H. Hays
Zoning Commissioner of Baltimore County

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

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#1690
MAP
15-B

