



Clerk's Office
Circuit Court for Baltimore County
TOWNSHIP 4 No.

November 23, 1951

Board of Zoning Appeals
for Baltimore County
Towson, Maryland.

Dear Sirs:

Re: J. S. Briggs vs. Board of Zoning Appeals, et al.
At a hearing held before Judge J. Howard Murray today
the action of the Board in the above entitled matter was affirmed.

Very truly yours

George L. Evers
Clerk

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Evidence introduced at the hearing indicated that the parcel of land used for a filling station has been so used since the acquisition of the property by the Petitioners in 1928. Evidence was also introduced that the garage building has been used continuously by the Petitioners for the conduct of a general automobile repair business and that the parcel of land at the rear of the property, heretofore described, has been used continuously since 1928 in connection with the automobile repair business conducted in the garage building.

It is apparent from the foregoing that the land upon which the filling station and garage are located and the vacant lot in the rear were being used for commercial purposes at the time of the adoption of the Zoning Regulations and Restrictions and the establishment of zoning areas by the County Commissioners of Baltimore County on January 2, 1945. It was the policy of the Zoning Department in the original zoning to establish commercial areas to a depth of 150 feet. However, in setting up the original commercially zoned areas in Catonsville, on the south side of the Frederick Road, the Zoning Commissioner took cognizance of existing commercial uses which extended further back from Frederick Road than the aforesaid 150 feet with the exception of the property which is the subject of this Petition. It seems reasonable to believe that if the Zoning Commissioner took cognizance of the commercial use which extended southerly from Frederick Road on Bloomsbury Avenue and which extended southerly from Frederick Road, between Moller Avenue and Smith Lane to Bloomsdale Avenue and southerly from Frederick Road on the west side of Moller Avenue, that he should have taken cognizance of the existing commercial uses at this location and included them in the commercially zoned areas.

Due to the fact that the line of demarcation between the commercial and residential zone cuts approximately in half both the garage building and the apartment building, certainly

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - J. S. Briggs, Frederick Road and Sanford Ave., First District of Baltimore County - Anthony P. Orban, Jennie S. N. Orban, Roland S., Helen S., August W., S. Elizabeth, Benjamin J., Esther B., and Sarah M. Peters, Petitioners

The appeal in the above entitled matter coming on for hearing on the 2nd day of August, 1951, before the Board of Zoning Appeals of Baltimore County from an Order of the Zoning Commissioner of Baltimore County dated June 27, 1951, granting the Petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone, and it appearing from the evidence and facts adduced at the appeal hearing that the granting of the Petition would not be detrimental to the health, safety, morals, and general welfare of the community, it is this 17th day of September, 1951, Ordered by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner granting the Petition be and the same is hereby ratified and affirmed, granting the Petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone; subject to the establishment of the following setbacks for any building which might be constructed on the rear lot, heretofore mentioned, (said rear lot being the southernmost 50 feet of the land described in the Petition):

1. A front setback from the center of Sanford Avenue equal to the setback of the Murphy Residence, that is 54 feet.
2. A side setback from the property line bordering the Murphy property of 7 feet to the rear of the Murphy residence, a distance of 104 feet from the center line of Sanford Avenue. (The building line for the remaining 52 feet of this line to coincide with the property line.)

George L. Evers
Clerk

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such a line is an arbitrary one. It is a reasonable procedure in zoning to include all of a building in one zone or another and not to have half in one zone and half in another. Certainly the use of the garage property and the rear lot by the Petitioners continuously since 1928 to the present date for the conduct of a commercial enterprise has created a lawful non-conforming use for this property outside of the present commercially zoned area.

Therefore, in view of the foregoing, and it appearing that this reclassification will not be detrimental to the health, safety, and general welfare of the community, said property having been used for a more obvious use than that allowed under a commercial zoning, namely, for the dismantling of cars and storage of junk, it is the opinion of the Zoning Commissioner of Baltimore County that the property described in the Petition should be reclassified from an "A" Residence Zone to an "E" Commercial Zone, subject to the establishment of the following setbacks for any building which might be constructed on the rear lot, heretofore mentioned, (said rear lot being the southernmost 50 feet of the land described in the Petition):

1. A front setback from the center of Sanford Avenue equal to the setback of the Murphy Residence, that is 54 feet.
2. A side setback from the property line bordering the Murphy property of 7 feet to the rear of the Murphy residence, a distance of 104 feet from the center line of Sanford Avenue. (The building line for the remaining 52 feet of this line to coincide with the property line.)

The Board will, therefore, sign an Order ratifying and affirming the Order of the Zoning Commissioner and approving the Petitioner's application reclassifying from an "A" Residence Zone to an "E" Commercial Zone, subject to the setback requirements for the rear lot as aforesaid.

Approved:
County Commissioners
of Baltimore County

George L. Evers
President

Date: 11/27/51

Board of Zoning Appeals
of Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by J. C. Briggs from an Order and decision of the Zoning Commissioner of Baltimore County dated June 27, 1951, by which the property described in the Petition was reclassified from an "A" Residence Zone to an "E" Commercial Zone, subject to certain setback requirements.

The case came on for hearing before the Board, testimony was taken for and against said Petition, and counsel for both sides heard. The written decision of the Zoning Commissioner filed heretofore in this case sets forth the reasons for reclassifying the property, and the Board is of the opinion that the same should be ratified and affirmed; and, therefore, quotes said opinion as follows:

The property which is the subject of this Petition is the rear 142 feet of a lot of dimensions of 133 feet by 292 feet located at the southeast corner of Frederick Road and Sanford Avenue, Catonsville. The lot in question is improved by three buildings as follows:

1. A building of approximate dimensions of 25 feet by 65 feet which is occupied by the Catonsville Library Association, Incorporated.
2. A garage building of irregular shape having a frontage of 95 feet and a depth of 190 feet and extending back 240 feet from Frederick Road.
3. An apartment building of irregular shape of approximate dimensions of 60 feet by 50 feet and extending approximately 150 feet back from Frederick Road.

In addition to the land occupied by these buildings there is a parcel of land on Frederick Road to the east of the Library Building of approximate dimensions of 95 feet by 50 feet which is used for the operation of a filling station; and another parcel of land at the extreme rear of the property having a frontage of 65 feet on Sanford Avenue with a depth of 133 feet.

FILED JUL 7 1951

George L. Evers
President
George L. Evers
Secretary
Board of Zoning Appeals
of Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - J. S. Briggs, Frederick Road and Sanford Ave., First District of Baltimore County - Anthony P. Orban, Jennie S. N. Orban, Roland S., Helen S., August W., S. Elizabeth, Benjamin J., Esther B. and Sarah M. Peters, Petitioners.

MR. CLERK:

On behalf of J. C. Briggs, a resident and tax payer of Baltimore County, please enter an appeal to the Board of Zoning Appeals for Baltimore County, in the above entitled case.

John C. Briggs
Attorney for J. C. Briggs

RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "A" COMMERCIAL ZONE -
S. B. Co., Frederick Road and Sanford Ave.,
1st District of Baltimore County -
Anthony P. Orban, Dennis N. Peters, Roland N. Peters, Helen S. August W. S. Elizabeth, Benjamin J. Lathar E. and Sarah N. Peters, Baltimore

The property which is the subject of this petition is the parcel 112 feet of a lot of dimension of 133 feet by 292 feet located at the southeast corner of Frederick Road and Sanford Avenue, Catonsville. The lot in question is improved by three buildings as follows:

1. A building of approximate dimensions of 25 feet by 85 feet which is occupied by the Catonsville Library Association, Incorporated.
2. A garage building of irregular shape having a frontage of 95 feet and a depth of 130 feet and extending back 250 feet from Frederick Road.
3. An apartment building of irregular shape of approximate dimensions of 60 feet by 50 feet and extending approximately 150 feet back from Frederick Road.

In addition to the land occupied by these buildings there is a parcel of land on Frederick Road to the east of the library building of approximate dimensions of 25 feet by 50 feet which is used for the operation of a filling station and another parcel of land at the extreme rear of the property having a frontage of 65 feet on Sanford Avenue with a depth of 133 feet.

Witnesses introduced at the hearing indicated that the parcel of land used for a filling station has been so used since the acquisition of the property by the petitioner in 1920. Witnesses also introduced that the garage building has been used continuously by the petitioner for the conduct of a general automobile repair business and that the parcel of land at the rear of the property, heretofore described, has been used continuously since 1928 in connection with the automobile repair business conducted in the garage building.

It is apparent from the foregoing that the land upon which the filling station and garage are located and the vacant lot in the rear were being used for commercial purposes at the time of the adoption of the zoning regulations and restrictions and the establishment of zoning areas by the County Commissioners of Baltimore County on January 9, 1945. It was the policy of the zoning department in the original zoning to establish commercial areas to a depth of 150 feet. However, in setting up the original zoning, the zoning department, on the south side of the Frederick Road, the zoning department took cognizance of existing commercial uses which antedated the adoption of the zoning regulations and the zoning department with the exception of the property which is the subject of this petition. It seems reasonable to believe that if the zoning

Commissioner took cognizance of the commercial uses which extended southerly from Frederick Road on Honesbury Avenue and which extended southerly from Frederick Road, between Honesbury Avenue and South Lane to Honesbury Avenue and southerly from Frederick Road on the west side of Honesbury Avenue, that he should have taken cognizance of the existing commercial uses at this location and included them in the commercially zoned areas.

Due to the fact that the line of demarcation between the commercial and residential zone cuts approximately in half a line is an arbitrary one. It is a reasonable procedure to include all of a building in one zone or another and not to have property and the rear lot by the petitioner continuously since 1928 created a lawful non-conforming use for this property outside of the present commercially zoned area.

Therefore, in view of the foregoing and it appearing that this reclassification will not be detrimental to the health, safety and general welfare of the community, said property having been used for a more intensive use than that allowed under a of such, it is the opinion of the zoning department and the zoning commission that the property described in the petition should be reclassified from an "A" residential zone to an "A" commercial zone, building which might be constructed on the rear lot, heretofore mentioned, (said rear lot being the southmost 50 feet of the land described in the petition).

1. A front setback from the center of Sanford Avenue equal to the setback of the adjacent residences, that is 54 feet.
2. A side setback from the property line bordering the property of 7 feet to the rear of the rear of the property, a distance of 104 feet from the center line of Sanford Avenue. (The building line for the remaining 52 feet of this line to coincide with the property line).

It is this 27th day of June, 1951, ORDERED by the zoning commission of Baltimore County, that the above described property or area should be and lawfully be hereby reclassified, be an "A" commercial zone, subject to the setback requirements for the rear lot as heretofore set forth in this order.

Charles W. Phillips
Zoning Commissioner

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County -

Now we, Anthony P. Orban, et al., legal owner(s) of the property situate

at the southeast corner of Frederick Road and Sanford Ave., 1st District of Baltimore County, on the south side of Frederick Road, 133 feet, thence south 9 degrees 41' east 292 feet, thence south 90 degrees 54' west 133 feet to the east side of Sanford Avenue, thence northerly, on the east side of Sanford Ave., 292 feet to beginning. Saving and excepting therefrom that portion lying on the south side of Frederick Road with a rectangular depth southerly of 150 feet and binding on the east side of Sanford Avenue, heretofore zoned "A" Commercial.

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Res. zone to an "A" Comm. zone.

Reasons for Re-Classification: *APPROVED COMM. USE.*

feet, height: _____ feet
feet, side: _____ feet

advertising, posting, etc., upon filing zoning regulations and restrictions of Baltimore County.

Anthony P. Orban
Dennis N. Peters

Helen S. August W. S. Elizabeth
Benjamin J. Lathar E. and Sarah N. Peters

Charles W. Phillips
Zoning Commissioner

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Dennis N. Peters

Charles W. Phillips
Zoning Commissioner

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *1* Date of Posting: *May 11/51*
Posted for: *Anthony P. Orban*
Petitioner: *Anthony P. Orban*
Location of property: *East side of Sanford Ave. 240 feet south of Frederick Road*
Location of sign: *East side of Sanford Ave. 245 feet south of Frederick Road*
Remarks: *None*
Posted by: *Harry A. Barbach* Date of return: *May 11/51*

\$22.00

RECEIVED OF J. Francis Ford, Attorney for J. G. Briggs, a warrant, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the order of the Zoning Commission granting reclassification of property of Anthony P. Orban, et al., at the southeast corner of Frederick Road and Sanford Avenue, 1st District of Baltimore County.

Zoning Commissioner

PAID
JUL 10 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

\$20.00

RECEIVED OF Anthony P. Orban, et al, the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting of property, southeast corner of Frederick Road and Sanford Avenue, 1st District of Baltimore County.

Zoning Commissioner

Hearings
Tuesday, May 22, 1951
at 10:00 a.m.

PAID
MAY 9 - 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County -

Now we, Anthony P. Orban, et al., legal owner(s) of the property situate

at the southeast corner of Frederick Road and Sanford Ave., 1st District of Baltimore County, on the south side of Frederick Road, 133 feet, thence south 9 degrees 41' east 292 feet, thence south 90 degrees 54' west 133 feet to the east side of Sanford Avenue, thence northerly, on the east side of Sanford Ave., 292 feet to beginning. Saving and excepting therefrom that portion lying on the south side of Frederick Road with a rectangular depth southerly of 150 feet and binding on the east side of Sanford Avenue, heretofore zoned "A" Commercial.

herby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Res. zone to an "A" Comm. zone.

Reasons for Re-Classification: *APPROVED COMM. USE.*

and height of building: front _____ feet; depth _____ feet; height _____ feet

rear and side set backs of building from street line: front _____ feet; side _____ feet

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification, 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.

Anthony P. Orban
Dennis N. Peters

Charles W. Phillips
Zoning Commissioner

Anthony P. Orban
Dennis N. Peters

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