

JOHN F. HRADSKY and
HESSIE HRADSKY, his wife,
FRANK J. HRADSKY and
EMMA S. HRADSKY, his wife
VS
BOARD OF ZONING APPEALS
FOR BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
LAW

The Court has reviewed the testimony in this case and heard the arguments. It finds nothing in the testimony to support the action of the Board. The property in question adjoins commercially zoned property and near by is other commercially zoned property. Old Philadelphia Road is a small, little used thoroughfare with a minimum of traffic and it would seem to the Court that the contention of the property owners in the community that safety would be served by the establishment of a grocery at this location is a reasonable one. There is no objection from the community or from the school authorities to the rezoning.

For the reasons given the action of the Board will be reversed.

March 3, 1952

John H. Jostrom

True Copy Test
George L. Bond

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE
S. S. Old Philadelphia Road, opposite
Neighbors Ave., 15th District -
John F. Hradsky, Bessie Hradsky,
Frank J. Hradsky and Emma S. Hradsky,
Petitioners

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on the 27th day of September, 1951, from an Order of the Zoning Commissioner of Baltimore County dated August 29, 1951, denying the petition for reclassification of the property therein described from an "A" Residence Zone to an "E" Commercial Zone; and it appearing from the facts and evidence adduced at the appeal that the granting of the petition would be detrimental to the safety and general welfare of the community; therefore

It is this 8th day of November, 1951, ORDERED by the Board of Zoning Appeals of Baltimore County that the petition for reclassification, as aforesaid, be denied.

Chairman
Board of Zoning Appeals of
Baltimore County

MICROFILMED

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by John F. Hradsky, Bessie Hradsky, Frank J. Hradsky, and Emma S. Hradsky from an Order of the Zoning Commissioner of Baltimore County dated August 29, 1951, denying the petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone.

The case came on for hearing, before the Board, testimony was taken for and against said petition, and counsel for the petitioner heard.

The property which is the subject of this petition is located on the South side of Old Philadelphia Road opposite Neighbors Avenue.

There is no commercial area fronting on the Old Philadelphia Road in this neighborhood, and whatever commercial operations being conducted in this general vicinity are using the Pulaski Highway for means of ingress and egress. To grant this reclassification would be spot zoning in as far as Old Philadelphia Road is concerned. It is also noted that immediately across the Old Philadelphia Road is the new Rosedale Elementary School; and the Board is of the opinion that the operation of a grocery store at the location in question would not be for the best interest of the school, and would tend to make it dangerous for children crossing and recrossing the road. This is especially true since the Old Philadelphia Road has a very narrow right of way and is not fully paved to the extent thereof, nor are there any sidewalks; and the pedestrian traffic would be subject to undue traffic hazards. This would be especially true should automobiles park at or near the store, which would have a tendency to reduce the passage for free flow of traffic along this narrow street.

MICROFILMED

It is the opinion of the Board that the granting of a petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone would be detrimental to the safety and general welfare of the community; and, therefore, the Board will sign an Order denying the reclassification of the property as aforesaid.

Chairman
Board of Zoning Appeals of
Baltimore County

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FILED SEP 10 1951

IN THE MATTER OF :
PETITION FOR RECLASSIFICATION
FROM AN "A" RESIDENCE ZONE TO AN
"E" COMMERCIAL ZONE - S.S. OLD
PHILADELPHIA ROAD, OPPOSITE
NEIGHBORS AVE., 15th DISTRICT
OF BALTIMORE COUNTY, MARYLAND.
JOHN F. HRADSKY, BESSIE HRADSKY,
FRANK J. HRADSKY and EMMA S.
HRADSKY.

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 August 29, 1951, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

Charles L. Bond
Attorneys for Petitioners

FILED SEP 10 1951
LAW OFFICE
SHALAMIN & HESBIAH
SHALAMIN BUILDING
TOWSON, MD.
September 8, 1951

Mr. Augustine J. Miller,
Zoning Commissioner of
Baltimore County,
Towson 4, Maryland.

Re: Petition for Reclassification
from an "A" Residence Zone to an
"E" Commercial Zone - S.S. Old
Philadelphia Road, opposite Neigh-
bors Ave., 15th Election District,
of Baltimore County. John F. Hradsky,
Bessie Hradsky, Frank J. Hradsky and
Emma S. Hradsky.

Dear Mr. Miller:

I am enclosing Order for Appeal from the Order which you passed in the above captioned matter of August 29, 1951, together with check in the amount of \$22.00 in payment of all costs incident thereto. Please advise me of the Appeal date as soon as same is set.

Thanking you for your courteous cooperation here-
in, and awaiting your further advices, I am

Yours very truly,

Charles L. Bond

ENCLOSURE

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE
S. S. Old Philadelphia Road, opposite
Neighbors Ave., 15th District
John F. Hradsky, Bessie Hradsky,
Frank J. Hradsky and Emma S. Hradsky,
Petitioners

The property which is the subject of this petition is located on the south side of Old Philadelphia Road, opposite Neighbors Avenue. It is immediately across Old Philadelphia Road from the new Rosedale Elementary School.

It is the intention of the contract purchaser of this property to operate a grocery store if this reclassification is granted. At the present time there is no commercially zoned property fronting on the Old Philadelphia Road. The only commercial area, which extends from Pulaski Highway to Old Philadelphia Road, is improved in such way that the business enterprise is carried on from Pulaski Highway. The development in this area has been on the whole widely dispersed.

At the present time, however, approximately 200 group houses are under construction on the south side of Neighbors Avenue and to the west of the Old Philadelphia Road. It is the recommendation of the Baltimore County Planning Commission that in considering the proper location for retail shopping facilities to serve this neighborhood, there could be little question that the logical place would be on Philadelphia Road rather than Old Philadelphia Road. Old Philadelphia Road has a very narrow right-of-way and a still narrower pavement. There are no sidewalks. Even a commercial development of the kind proposed would encourage increased riding and walking along this dangerous narrow street. In addition this project being directly across Old Philadelphia Road from the Rosedale Elementary School, would create a hazard to the children in crossing this road to patronize the store.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that the granting of this reclassification would be detrimental to the safety and the general welfare of the community and the reclassification should not be granted.

It is therefore, this 29th day of August, 1951, ORDERED by the Zoning Commissioner of Baltimore County, 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 an "A" Residence Zone.

Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

2054
Date of Posting: 8-3-51
Posted for: John F. Hradsky
Petitioner: John F. Hradsky
Location of property: South side of Old Philadelphia Rd, opposite Neighbors Ave, east side of south side of Old Philadelphia Rd, 110 ft. south of Neighbors Ave.
Location of Sign: South side of Old Philadelphia Rd, 55 ft. south of Neighbors Avenue
Remarks: George R. Hummel
Date of return: 8-3-51

MICROFILMED

9/27

11:30

MICROFILMED

Petition for Zoning Re-Classification #2054

To The Zoning Commissioner of Baltimore County:
John F. Hradsky, Zoning Commissioner,
Room 10, Frank J. Hradsky and Sons, 24 Hradsky, legal owner, 2, of the property situated
South side of Old Philadelphia Road, beginning
opposite Neighbors Avenue thence easterly and binding
on the south side of Old Philadelphia Road, 15th District
thence South 110 feet, 15 minutes East, 135 feet
thence North 75 degrees 57 minutes East 110 feet thence
North 21 degrees 15 minutes West 135 feet to place of
beginning. As shown on the plot plan filed with the
Zoning Board

herely petition that the zoning status of the above described property be re-classified, pursuant to the
Zoning Law of Baltimore County, from APR 25 zone to an ECOM 1 zone.

Reason for Re-Classification: APPROVED COMM LDC
(Grocery Store)

Size and height of building: front 60 feet; depth 30 feet; height 22 feet.
Front and side set backs of building from street lines: front 30 feet; side 20 feet; rear 24 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 for Baltimore County.

John F. Hradsky
Frank J. Hradsky
James B. Hradsky Legal Owner
Address: 22.3 Jefferson St.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of
July, 1951, 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, this property be posted, and that the public hearing herein be had in the office of the Zoning
Commissioner of Baltimore County, in the Eckford Bldg., in Towson, Baltimore County, on the
21st day of August, 1951, at 10:00 o'clock 10:00 M.

Zoning Commissioner of Baltimore County

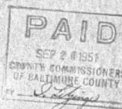
(over)

September 14, 1951

\$22.00

RECEIVED of H. Richard Smalkin, Attorney for John F.
Hradsky, et al., petitioners, the sum of Twenty Two (\$22.00)
Fellars, being cost of appeal to the Board of Zoning Appeals
of Baltimore County from the decision of the Zoning Commissioner
denying the reclassification of property on south side of Old
Philadelphia Road, opposite Neighbors Avenue.

Zoning Commissioner



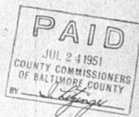
July 25, 1951

\$20.00

RECEIVED of John F. Hradsky, et al., the sum of Twenty
(\$20.00) Dollars, being cost of petition for reclassification,
advertising and posting property, south side Old Philadelphia
Road, 15th District of Baltimore County.

Zoning Board member

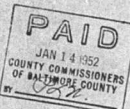
Hearing:
Tuesday,
August 14, 1951
at 10:00 o'clock
303 Washington Avenue



\$7.20

RECEIVED of H. Richard Smalkin, Esquire, the sum
of \$7.20 being cost of certified copy of petition and other
papers filed in the matter of petition of John F. Hradsky,
et al. for reclassification of property on south side Old
Philadelphia Road, opposite Neighbors Ave.

Zoning Commissioner
of Baltimore County



Hradsky
Adm \$3.00
Other 1.00
Plk 1.00
De 1.00
Ad 1.20
7.20

H. Richard Smalkin, Esq.,
Campbell Building,
Towson 1, Maryland

to

County Commissioners of
Baltimore County,
Zoning Department,
303 Washington Avenue,
Towson 1, Maryland

Jan. 7, 1952

Certified copy of petitions and other papers filed in the
matter of reclassification of property of John F. Hradsky, et al.,
S. S. Old Philadelphia Road, opp. Neighbors Ave., 15th Dist.

\$7.20

Pa
1/14/52

Thompson
hedges
Brook County Co.

the tool

2054

Old Philadelphia Road
N 78° 57' E 110 ft.

MICROFILMED

N 11° 15' W 135 ft.

Wilmington

JOHN HRADSKY
BOSSIE
2212 Jefferson St.

S 78° 57' W 110 ft.

Copy made from
original copy of
J. Milton Green
Registered Eng. and Surveyor
Towson 4, Md.

April 1948

Scale 1" = 20'

