

2109  
MINP  
1-B

JOHN N. KIRBY, ET AL. :  
VS :  
BOARD OF ZONING APPEALS :  
OF BALTIMORE COUNTY :  
IN THE CIRCUIT COURT :  
FOR BALTIMORE COUNTY :  
LAW

The Court has read the testimony and inspected the premises and is of the opinion that the reclassification of the property involved is not an arbitrary, unreasonable and illegal exercise on the part of the Board of Zoning Appeals.

The action of the Board will therefore be sustained.

John N. Kirby, Judge

April 17, 1953

2104

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - N. W. SIDE EDMONDSON AVE. EXT'D. and N. W. SIDE WINTERS LANE, Joseph G. Kinbinder, Petitioner

The appeal in the above entitled matter coming on for hearing on the 13th day of December, 1951, before the Board of Zoning Appeals of Baltimore County from an order of the Zoning Commissioner of Baltimore County dated November 21, 1951, denying 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 that the granting of the petition for reclassification would not be detrimental to the health, safety, morals, and general welfare of the community; and it appearing further, that to deny this petition would subject the Petitioner to undue hardship not characteristic of the adjoining property owners; and that such an enterprise would be a proper use of this property; therefore,

It is this 17<sup>th</sup> day of January, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the order of the Zoning Commissioner denying the petition be reversed, and that said petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone be and the same is hereby granted and approved, subject to the following:

1. That the Petitioner screen, by planting of shrubbery, the property line adjoining the rear of the houses facing on Winters Lane.
2. That the erection of any lights shall be directed away from Winters Lane and away from Edmondson Avenue, except that on Edmondson Avenue any advertising sign which will be permitted to be erected may face said Avenue.
3. That any area used for parking shall be surfaced with an asphalt bound material, as well as all driveways.

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4. That the southerly boundary of the Petitioner's property along Edmondson Avenue be properly screened by the planting of shrubbery so as to prevent the glare of automobile lights extending to adjoining properties across Edmondson Avenue.

H. S. Campbell  
Chairman  
James W. Williams  
Carl F. Holden  
Board of Zoning Appeals  
of Baltimore County

Approved:

County Commissioners of  
Baltimore County  
Richard B. Jones  
President

Date: 4/24/53

OPINION OF THE BOARD OF ZONING APPEALS  
OF  
BALTIMORE COUNTY

This is an appeal from the decision of the Zoning Commissioner of Baltimore County dated November 21, 1951, denying the petition for reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described in said petition.

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

The property which is the subject of this petition is located at the Northwest corner of Edmondson Avenue extended and Winters Lane, with a frontage on Edmondson Avenue of 452' 592 feet. It is the intention of the Petitioner to operate an out-door moving picture theater. This property is near a large residential development which is now planned at the Northwest corner of Ingleside Avenue and Edmondson Avenue, but the topography of the property in question does not lend itself to such a development for residential purposes; and the Board is of the opinion that this property could be better used for the purpose for which it is requested. There was some testimony as to the increase of traffic which would result from the operation of such a business, but it was testified that the area would be used for only a few hours in the evening and at a time when the normal traffic load would be reduced and considerably less than the peak day traffic.

The objection to the operation of this business in such a manner as to cause quantities of dust resulting from the traffic within the confines of the property was considered by the Board and such objection can easily be overcome by proper surfacing of the parking area with an asphalt bound material which would eliminate or materially reduce the dust.

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OPINION OF THE BOARD OF ZONING APPEALS  
OF  
BALTIMORE COUNTY

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

The property which is the subject of this petition is located at the Northwest corner of Edmondson Avenue extended and Winters Lane, with a frontage on Edmondson Avenue of 592 feet. It is the intention of the Petitioner to operate an out-door moving picture theater. This property is near a large residential development which is now planned at the Northwest corner of Ingleside Avenue and Edmondson Avenue, but the topography of the property in question does not lend itself to such a development for residential purposes; and the Board is of the opinion that this property could be better used for the purpose for which it is requested. There was some testimony as to the increase of traffic which would result from the operation of such a business, but it was testified that the area would be used for only a few hours in the evening and at a time when the normal traffic load would be reduced and considerably less than the peak day traffic.

The objection to the operation of this business in such a manner as to cause quantities of dust resulting from the traffic within the confines of the property was considered by the Board and such objection can easily be overcome by proper surfacing of the parking area with an asphalt bound material which would eliminate or materially reduce the dust. Some of the Protestants complained about lights from automobiles and other lights and illumination being objectionable

and interfering with the use of their property. The location of the screen in a northerly corner at a distance farthest from the intersection of Edmondson Avenue and Winters Lane would overcome this objection; besides, proper shrubbing along the boundary lines of the property at Winters Lane would materially reduce the illumination from projecting over to the adjoining properties.

The Board is of the opinion that the granting of this reclassification would not be detrimental to the health, safety, morals, and general welfare of the community; and that such out-door moving picture theaters are conducted generally on heavily traveled highways; and that because of the topography of this land, to deny this application would work a hardship on the Petitioner. The Board will, therefore, sign an order granting the reclassification, subject to the following:

1. That the Petitioner screen, by planting shrubbery, the property line adjoining the rear of the houses facing on Winters Lane.
2. That the erection of any lights shall be directed away from Winters Lane and away from Edmondson Avenue, except that on Edmondson Avenue any advertising sign which will be permitted to be erected may face said Avenue.
3. That any area used for parking shall be surfaced with an asphalt bound material, as well as all driveways.
4. That the southerly boundary of the Petitioner's property along Edmondson Avenue be properly screened by the planting of shrubbery so as to prevent the glare of automobile lights extending to adjoining properties across Edmondson

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1. That the Petitioner screen, by planting of shrubbery, the property line adjoining the rear of the houses facing on Winters Lane.
2. That the erection of any lights shall be directed away from Winters Lane and away from Edmondson Avenue, except that on Edmondson Avenue any advertising sign which will be permitted to be erected may face said Avenue.
3. That any area used for parking shall be surfaced with an asphalt bound material, as well as all driveways.
4. That the southerly boundary of the Petitioner's property along Edmondson Avenue be properly screened by the planting of shrubbery so as to prevent the glare of automobile

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Avenue.

H. S. Campbell  
Chairman  
James W. Williams  
Carl F. Holden  
Board of Zoning Appeals  
of Baltimore County

FILED NOV 28 1951

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "C" COMMERCIAL ZONE - E. W. SIDE HANCOCK AVE. EXT'D. AND N. W. SIDE WINTERS LANE, 1ST DISTRICT JOE. G. HINSHLER, PETITIONER OF BALTIMORE COUNTY

Mr. Commissioner: Please enter an appeal from your Order dated November 21, 1951, in the above entitled matter to the Board of Zoning Appeals of Baltimore County.

Joseph E. Baine Attorney for Petitioner

12/13  
3 P.M.

2104

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County - I, or we, JOSEPH G. HINSHLER, legal owner, of the property situate beginning at the intersection on the northwest side of Edmondson Avenue extended northwest side of Winters Lane and running along the northwest side Edmondson Avenue extended west more or less, thence along the west outline of the plat of WOODBURY HEIGHTS (WGS 5/55) 940 feet, thence along the northeast side of Victor Road 250 feet more or less, thence parallel to Winters Lane 100 feet distant therefrom 575 feet, thence easterly 100 feet to the northwest side of Winters Lane and thence along the northwest side of Winters Lane 193 feet to the place of beginning.

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 zone to an C zone.

Reasons for Re-Classification: approved commercial use

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 for Baltimore County.

Joseph G. Hinshler Legal Owner Address c/o John K. Baine, Jr. Newark Building Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 21th day of September 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, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Heckford Bldg., in Towson, Baltimore County, on the 15th day of October 1951, at 1:00 o'clock P.M.

10/15  
3 82420

Zoning Commissioner of Baltimore County (over)

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "C" COMMERCIAL ZONE - E. W. SIDE HANCOCK AVE. EXT'D. AND N. W. SIDE WINTERS LANE, 1ST DISTRICT JOSEPH G. HINSHLER, PETITIONER

The property which is the subject of this petition is located at the northwest corner of Edmondson Avenue, Ext'd. and Winters Lane, which is approximately midway between Ingleside Avenue and Hilling Road, First District.

It is the intention of the petitioner if this reclassification is granted to operate an Outdoor Moving Picture Theatre on the property. This property is near a large residential development which is now planned at the northwest corner of Ingleside Avenue and Edmondson Avenue, Extended. It is in an area which apparently will continue to grow intensely and rapidly. It is the opinion of the Zoning Commissioner that such a use as this would be too near a residential development and the attendant noise, light, dust and traffic would be detrimental to the proper enjoyment of the residential properties.

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 general welfare of the community and the reclassification should not be had.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of November, 1951, that the above petition be and the same is hereby denied and that the above described property or use be and the same is hereby continued as and to remain an "A" Residence Zone.

John K. Baine, Jr. Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 10-2-51 #2104 Posted for: From an "A" Residence Zone to an "C" Commercial Zone Petitioner: Joseph G. Hinshler Location of property: 100 ft. east of Winters Lane, 100 ft. north of Edmondson Ave. Ext'd. and northwest side of Winters Lane, 1st District, Baltimore County. Remarks: George R. Hummel 10-8-51

November 28, 1951

RECEIVED of John E. Baine, Jr., Attorney for Joseph G. Hinshler, petitioner, the sum of Twenty Two (\$22.00) Dollars being cost of appeal to the Board of Zoning Appeals from the Order of the Zoning Commissioner denying the petition for reclassification of property, Northwest side of Edmondson Ave. Ext'd. and northwest side of Winters Lane, 1st District of Baltimore County.

PAID NOV 28 1951 COUNTY COMMISSIONERS OF BALTIMORE COUNTY

October 15, 1951

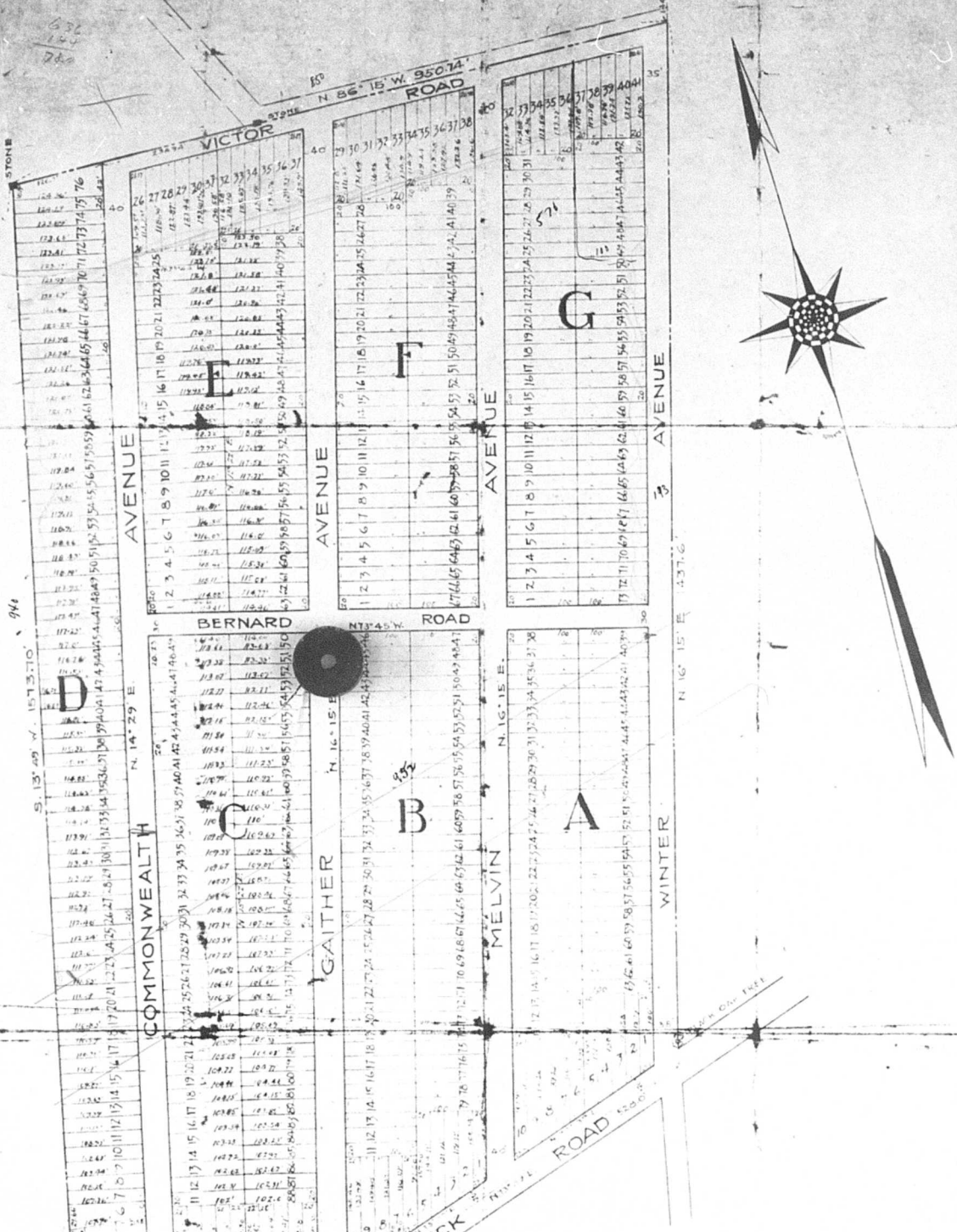
RECEIVED of Joe. G. Hinshler the sum of Twenty Six (\$26.00) Dollars, being cost of petition for reclassification, advertising and posting property, Northwest side of Edmondson Avenue, 1st District of Baltimore County.

PAID OCT 15 1951 COUNTY COMMISSIONERS OF BALTIMORE COUNTY

February 25, 1952

RECEIVED of Michael Paul Smith, Attorney for John K. Baine, et al., the sum of \$5.70 being cost of certified copy of petition and other papers filed in the matter of reclassification of property, E. W. Side Edmondson Ave., Ext'd., 1st District, Joseph G. Hinshler, petitioner.

PAID FEB 25 1952 COUNTY COMMISSIONERS OF BALTIMORE COUNTY



# MCDONOUGH HEIGHTS

SUBDIVIDED BY *5/69*

THE MCDONOUGH REALTY CO.

514 EQUITABLE BUILDING | BALTIMORE, MD.

SURVEYED & LAID OUT

J. SPENCE HOWARD

CIVIL & CONSULTING ENGINEER | BALTIMORE, MD.  
SCALE 1" = 100' | OCTOBER, 1920.

