

RE: PETITION FOR RECLASSIFICATION FROM A "G" RESIDENCE ZONE TO AN "P" INDUSTRIAL ZONE - Property to the north of the Maryland & Pennsylvania Railroad, 150 ft. East of Fairmount Ave., Approx. 155 feet S. of Pennsylvania Ave., 9th District - LeRoy Y. Hille & Lillian L. Hille, Petitioners

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 the order of the Zoning Commissioner of Baltimore County dated November 8, 1951, granting the petition for reclassification of the property therein described from a "G" Residence Zone to an "P" Industrial Zone; and it appearing from the facts and evidence adduced at the appeal that the granting of the petition would not be detrimental to the health, safety, morals, and general welfare of the community and that to deny said petition would work a hardship upon the petitioners peculiar to them and not having the same effect upon the adjoining properties; therefore,

It is this 17th day of January, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the petition for reclassification, as aforesaid, be granted and approved and that the order of the Zoning Commissioner of Baltimore County be ratified and affirmed, subject to the provision that the 10-foot area leading southerly from Pennsylvania Avenue to the lot in question should not be used in connection with this operation, and that ingress and egress shall be by way of the 30-foot avenue along the Maryland-Pennsylvania Railroad.

Approved:

County Commissioners of Baltimore County

By: *Charles E. Smith*

President

By: *Robert E. Smith*

President

Board of Zoning Appeals of Baltimore County

2114

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal from an order of the Zoning Commissioner of Baltimore County dated November 8, 1951, granting the petition for reclassification from a "G" Residence Zone to an "P" Industrial Zone.

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

The property which is the subject of this petition is a tract of land 245 feet by 247 feet situated in the rear of the houses on three streets; namely, Fairmount Avenue, Pennsylvania Avenue, and Railroad Avenue and adjoins the North boundary of the Maryland-Pennsylvania Railroad. The only access is by way of a 30-foot unimproved avenue from Fairmount Avenue easterly along the northern boundary of said railroad.

If this property is reclassified, it is the intention of the petitioners to erect a masonry building meeting the requirements of the Baltimore County Building Code and the Fire Prevention Bureau of said County, with the necessary seawest collectors installed. The building will be leased to a company which will operate a window and door frame manufacturing plant. It was also brought out in the testimony that the County has plans of extending Fairmount Avenue across the Maryland-Pennsylvania Railroad tracks to connect with Albion Avenue. There will naturally be an increase in traffic along Fairmount Avenue, but the Board is of the opinion that the operation of this business will not require any substantial number of vehicles entering and leaving the property such as to cause any undue traffic burden in this area.

constitute more of a fire hazard than the project proposed.

There was also testimony by the protestants that the use of this property with the traffic generated in such an operation would constitute a traffic hazard, being especially dangerous to the children in that area.

It is proposed by the County to make Fairmount Avenue a through road leading from Upper Real to Turle Avenue. If this plan materializes there will be considerably more traffic on Fairmount Avenue than exists at the present time. It is not felt that the small additional traffic with such an operation as is proposed for this property would add materially to the volume of traffic on, therefore, would not materially add to any traffic hazard.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that the use of this property as set forth in the petition would not be detrimental to the health, safety and general welfare of the community and the reclassification should be had.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of January, 1952, that the above described property be and the same is hereby reclassified, from and after the date of this Order from a "G" Residence Zone to an "P" (Light) Industrial Zone, subject, to the provision that the 10 foot alley leading southerly from Pennsylvania Avenue to the lot in question shall not be used in connection with this operation and that ingress and egress shall be by way of the 30 foot avenue along the Maryland & Pennsylvania Railroad only.

Approved:

County Commissioners of Baltimore County

By: *Charles E. Smith*

President

By: *Robert E. Smith*

President

It is not felt that under such circumstances that the use of this property as pointed out would constitute a fire hazard, in fact, the garage and necessary building now existing in the rear of the lots abutting this property would probably

The Board is of the opinion that the petitioners' land is not best suited for residential use in that it is surrounded by the backs of residential properties on three sides and bounded by railroad on the remaining side. The total area of this tract of land in question is not large nor does it adapt itself to residential development; and 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 to deprive the petitioners of this reclassification would work an undue hardship upon them which is not characteristic of the adjoining or other property owners in the neighborhood; the Board will, therefore, sign an order granting the said reclassification.

Charles E. Smith
President
Robert E. Smith
President
Board of Zoning Appeals of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:

I, LeRoy Y. Hille & Lillian L. Hille, of the County of Baltimore, in the ninth election district of Baltimore County, State of Maryland

On a 30 foot avenue laid out along the northernmost right-of-way of the Maryland & Pennsylvania Railroad beginning 263.5 feet east of Fairmount Avenue, thence easterly, on the north side of said 30 foot avenue, 245 feet with an average depth southerly 247 feet,

herely petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from a "G" Residential Zone to an "P" (Light) Industrial Zone.

Reasons for Re-Classification: Light Industrial 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.

Now, 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 for Baltimore County.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of October, 1952, 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 Rockland Bldg., in Towson, Baltimore County, on the _____ day of _____, 1952, at 11:00 o'clock - A.M.

Zoning Commissioner of Baltimore County

(over)

BROWN, ALLEN & WATTS
ATTORNEYS AT LAW
ROOM 208 KENNER BUILDING
COR. DAY AND ARCADE STREETS
BALTIMORE 2, MARYLAND
November 17, 1951

Mr. Augustine J. Muller
Zoning Commissioner
Buildings & Zoning Department
Baltimore County
303 Washington Avenue
Towson 4, Maryland

In re: Petition for Reclassification from a "G" Residence Zone to an "P" (Light) Industrial Zone - S. of Maryland & Pennsylvania Railroad, 150 ft. E. Fairmount Ave., 155 ft. S. Pennsylvania Ave., 9th District - LeRoy Y. Hille & Lillian L. Hille Petitioners

Dear Sirs:

Railroad please find check to cover costs in an appeal from your decision of November 8, 1951, to the Board of Zoning Appeals.

Notice of this appeal was forwarded to your office November 13, 1951; however, I failed to include the check to cover costs.

Yours very truly,

George L. Farish
George L. Farish

Enclose
\$20.00 check

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____, the above reclassification should be had.

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 _____ Zone to _____ Zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____, the above reclassification should NOT be had.

It is ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 _____ Zone.

Zoning Commissioner of Baltimore County

Approved: _____ County Commissioners of Baltimore County

By: _____ President

#2114

District: 9th Date of Posting: 10-24-51

Posted for: From an "S" residence gone to an "S" Commercial Zone

Petitioner: LeRoy G. Waite

Location of property: NE 1/4 of lot laid out along the new railroad from the NE 1/4 of Section 24, T.19 N. R. 6 E. of Government lot, three feet on the N.E. and 10 feet on 24 feet with a well depth, north of 24 feet, same owner as LeRoy Waite

Location of Signs: on grade NE 1/4 east of Government Lot, NE 1/4 of lot NE 1/4 of Section 24, T.19 N. R. 6 E. of Government lot on NE 1/4 of NE 1/4 of Section 24

Remarks:

Posted by: George P. Hummel Date of return: 10-25-51

[illegible]

TOWSON, MD. Oct 26, 1951
 THIS IS TO CERTIFY, That the annexed advertisement
 was published in THE UNION NEWS, a weekly newspaper
 printed and published in Towson, Baltimore County, Md., once
 in each of 5 successive weeks before the 5
 day of Nov, 1951, the first publication
 appearing on the 16 day of Oct
 1951.

H. F. Keiper
Manager.

RECEIVED of George L. Harris, Attorney for Protestants,
the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the
Board of Zoning Appeals of Baltimore County from the decision
of the zoning Commissioner granting the petition for reclassification
of property, north of the Maryland & Pennsylvania Railroad, 150 feet
at Fairmount Avenue, 9th District.

When the date for hearing has been scheduled by the Board of Zoning Appeals you will be duly notified.

PAID
NOV 20 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *C. W. Warren*

RECEIVED of LARRY Y. HALL, the sum of Twenty Three (\$23.00) Dollars, being cost of petition for reclassification, advertising and posting property, along the northernmost right-of-way of the Maryland & Pennsylvania Railroad, beginning 161.5 feet east of Fairmount Avenue, 9th District.

Monday, Nov. 5, 1951
at 11:00 a.m.
303 Washington Ave.

PAID
OCT 17 1911
COUNTY COMMISSIONERS
OF BALTIMORE
BY *T. W. Welford*

ELIJAH L. GWYNN
DEED FROM
W. GILL SMITH
CWB Jr. 992 / 86

GEORGE W. TOPPER Jr. & ANN P. (Wt.)
DEED FROM
BETTER HOUSING CORP.
CHK 1234 / 325

RAILROAD

FAIRMOUNT AVENUE

LENNOX AVENUE

RAYMOND LEE & ETHEL (Wt.)
DEED FROM
LILLY BLAKE (widow)
RJS 1340 - 376

AARON J. STEWART & Wife
DEED FROM
HENRY S. KOSH
N P 2 550 / 534

CHARLES H. RICHARDSON & Wife
DEED FROM
RACHEL PARKER
WPC 507 / 313

DEED REFERENCE	PLAT NO.
PLAT SHOWING RIGHT OF WAY TO BE ACQUIRED BY	
THE COUNTY COMMISSIONERS OF BALTIMORE	
FOR	
EXTENSION OF FAIRMOUNT AVENUE	
FROM	
RAYMOND LEE ET AL	
TOWARD	
DISTRICT NO. 9	SCALE 1" = 100'
APPROVED <i>[Signature]</i>	DATE <i>[Date]</i>
ROADS - ENGINEER	

Exhibit #1

AVENUE

ROAD

HILLEN

RAILROAD

PENNSYLVANIA

50' AVENUE
LENNOX

AVENUE

CHARLES H. RICHARDSON & MOLLIE (Wf.)
DEED FROM
RACHEL PARKER
WPC 507/313

AARON J. STEWART & Wife
DEED FROM
HENRY S. KOCH
NPG 550/534

DEED REFERENCE	PLAT NO.
PLAT SHOWING RIGHT OF WAY TO BE ACQUIRED BY	
THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY	
FOR	
EXTENSION OF FAIRMOUNT AVENUE	
FROM	
RAYMOND LEE	ET AL
TOWNSHIP	
DISTRICT NO. 9	SCALE 1" = 20'
APPROVED <i>[Signature]</i> SOLICITOR	DATE <i>Sept 10th 1961</i>

Exhibit
#1

