9/10/57 motion Perhi office

July FEB 1 7 1954

Wilsie H. Adams, Esq. Zoning Commissioner Towson 4, Maryland

Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Haltimore County from the Order of the Zoning Commissioner dated February 10, 1954, in the above application for reclassification, and forward transcript of record to the Hoard of Zoning Appeals of Baltingre County.

Michael Paul Smith

Dated Pebruary 16, 1954.

rd in commention with said proceedings, and a copy of all and decision of the Boarl, and return to this Petition shall be made and

And it is further ordered that the Board of Zoning Appeals shall return to this Court all original papers or certified or sworm copies thereof, and the return shall consisely set forth such other facts as may he portinent to show the grounds of th. decision and order appealed from, together with the transcript of all testimony taken at the hearing, and sopies of all exhibits filed therewith.

#2839

True Copy Test

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County :-

To The Zoning Commissioner of Baltimore County
Millian A. Pannelli Marke bennell. Cariatian N. Mald Mayoperfoliate

1. or we. "currentation indersons them to "the San National Market bennell."

All that percel of and in the Manket Market of Baltimore County,
on the west side of Falls had, beginning opposite the north side of lake Avenua; theree
increasely and thinking on the west side of Talls had \$7.3 Keept themes south the Garden's
degrees 77 almstee west 21 feet; theme to the east right-of-way of Northern Control Railroad

to the north boundary of Baltimore City; thence sasterly and binding on the north boundary

of Baltimore Study 37.3 Keept theme norther by 10.5 feet; themes contributed by 15 feet;

theme sortherly 115 gainst them artherly 10.5 feet themes orthesterly 20.5 themes

west 115 feet; theme onthe 77 degrees to shance and 155 feet to 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
Reasons for Re-Classification:
Size and height of building: front feet; depth feet; height feet.
Froat and side set backs of building from street lines: frontfeet; sidefeet.
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.
william a Burnell thather bendinger
marine Bunnell Mora K. anderson
Christian HKahl Logal Owner
Huey L. Hall Addrew
ORDERED By The Zoning Commissioner of Baltimore County, this
December
by the "Zoning Law of Baltimore County," in a new spaper 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 Reckord Bldg., in Towson, Baltimore County, on the
18th day of January 19 St., at 10:99 clock A.M.
V111

OPINION OF BOARD OF ZONING APPEALS

William A. Punnell, et al - No. 2839

This case comes before the Board on an Appeal by the Petitioner from an Order of the Zoning Commissioner denying a reclassification from an "A"

The property lies to the west of the Falls Road approximately opp site Lake Avenue. The land lies quite low and does not appear to be suitable for residential purposes. Jones Falls, a considerable stream of water, runs through the property. The westernmost outline of the property is the right-ofway of the Norther. Central Railroad, so that the property between the falls and the railroad is hardly suitable for any use whatever, certainly not for residential purposes. Between Jones Falls and Falls Road the property lies co siderably below the grade of Falls Road. Along the Falls Road there are a num ber of old houses, most of which are in a dilapidated condition and their reas yards adjoin the property in question, making a tost undesirable situation for any type of residential development. To the north there is a large brick ware house and just north of that, a large power sub-station operated by the Consulidated Gas, Electric Light & Power Company. The highway bridge on Falis Road across Jones Falls and the railroad, which is higher in elevation than the pro-

It is our opinion, after a thorough consideration of the testimony and a careful inspection of the premises, that this property, by reason of its peculiar situation, is not, and will never be, suitable for residential purposes. For this reason we believe that the original coming of this tract of

The Protestan's are residents of a development at the northeast corner of Falls Road and Lake Avenue. They are a considerable distance from the property and because of the fact that the homes on the east side of Falls Road, north of Lake Avenue, face east, there is no reason to believe that this neighborhood will be appreciably affected by a cornercial operation on the property. It also should be noted that there is now in operation a factory of

Pursuant to the advertisement, posting of property, and public hearing on the above petition

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of Augustica, being in a regidential area, the granting

of which would be "spot zoning" and the fact that the character of the neigh-

borhood has not/since the filing of a petition on April 1, 1947 for reclassi-

It Is Ordered by the Zoning Commissioner of Baltimore County, this 10th day of

Pebruary 19.5h., 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 a.n. "A"

and it appearing that by reason of ...

hereby reclassified, from and after the date of this Order, from a ...

onsiderable size immediately north of this residential area on the east side of Falls Road.

The property has a frontage of only 87.3 feet on the Falls Road. Although the Applicant denies any intention of using this frontage for commerzone would not adversely affect the residential properties who now protest.

Since we believe that the property in question will never be suit-

able for residence purposes, it is our opinion that the original classification of this property as residential was erroneous and that to continue this classification would be unfair and unjust to the property owner.

BOARD OF ZONING AFPEALS OF BALTIMORE COUNTY Cal 1. Odedo

For the reasons set forth in the aforegoing opinion, it is this 8th day of February, 1955, by the Fourd of Zoning Appeals of Baltimore County CMDENED that the decision of the Zoning Countsaioner of Baltimore County denying reclassification of the above property, be and the same is hereby reversed and that the above described property be reclassified, from and after the date of this Order from an "A" Residen

ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland #2839 Date of Posting 1-6-54 Poster for Cent, Sandone Bow to line & Commune Bone

Petitioner William A Bunnell etal Transmit State H 87. H. Leg Jog Mans of taklet, there milbradies warm of your live ages for ft my fables on the W. of Sallet, any toget the lead of surfield to faults at the end of the sley which was the My Jane

CERTIFICATE OF POSTING

Posted by George & Heeman Date of return 1-7-54

3el

CERTIFICATE OF PUBLICATION

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 there, successive weeks before the appearing on the ______3 ____day of ______ The UNION NEWS

If I Keyen

County Commissioners of Baltimore County

of the subject property,

the above re-classification should NOT be had:

milsio N. adam

Directy AT, 05

\$30.00

MCRIMED of Hearty, Suith & Smith, Attorneys for Bunnell, Kahl and Enderson, and others, positioners, the own of Burys (190,00) Dullar, boing one of appeal to the oard of Zoning Appeals of Bultimore County from the Section of the Found Commissioner Complex reclassification of property on Newt sid of Falls Read, opposite Inde Atumus, Jrd Rainfot,

Toning Consissioner



June 2h, 1955

27.20

ESC. IVEN: of Like Falls Association the sam or 17.20 being cost of certified copy of position and other popular filed in the matter of reclassification of property on much ofth of Falls two, openite Lake Tunnell, Ishi and Advisor, potitioners.

Zonine Consissioner

PECEUVED

COMPTROLLER'S OFFICE

May 28, 1950

\$28,00

RECEIVED of Smith and Smith, the sum of Twenty Right (\$28.00) Bollars, being cost of petition for Reclassification, advertising and posting property, west side of Falls Rost, beginning opposite the north side of Lake Arenus, 9th District, Maltimore County, Maryland.

Zoning Comissioner

Removed Hymenit

