

BEVERLY ALBERS O'NEILL
and
HAZEL ALBERS DUNCAN

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

LAN
MAY 14 1956

Although the Court is not in accord with some of the reasons for denial of the reclassification as prayed, nevertheless as the Court of Appeals has so often said the matter is debatable and for that reason the action of the Zoning Board is affirmed.

April 27, 1956

JOHN W. GUNTERMAN

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO A "D" RESIDENCE
ZONE - 4. Side St. Agnes Lane, 935 Feet
S. Engleide Ave., 1st District,
Beverly Albers O'Neill and Hazel
Albers Duncan, Petitioners

The appeal in the above entitled matter came on for hearing on July 29, 1954 before the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner denying the reclassification from an "A" Residence Zone to a "D" Residence Zone.

From the facts and evidence adduced at the appeal hearing the property being adjacent to an existing "D" Residence Zone, it is the opinion of the Board that the appropriate use for said property is for group house development, being an extension of an existing "D" Residence Zone.

It is, therefore, the opinion of the Board that the reclassification of the property would not be detrimental to the safety and general welfare of the community and the reclassification should be had.

It is this 10th day of November, 1954, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner denying the above reclassification is hereby reversed and the reclassification is hereby granted from an "A" Residence Zone to a "D" Residence Zone, subject, however, to the submission of a plot plan to the Zoning Department for the development of said property.

Chairman

Board of Zoning Appeals
of Baltimore County

RECEIVED
JUN 3 1956
COUNTY COMMISSIONERS
OFFICE

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO AN "D" RESIDENCE ZONE -
West Side St. Agnes Lane, Approximately
300 Feet S. Engleide Ave., 1st District,
Beverly Albers O'Neill and Hazel Albers
Duncan, Petitioners

The appeal in the above entitled matter coming on for hearing on July 29, 1954 before the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner denying the reclassification from an "A" Residence Zone to an "D" Commercial Zone, and it appearing from the facts and evidence adduced at the appeal hearing that the subject property is not suitable for commercial development at this time since the streets and roads are narrow, crooked and inadequate for a satisfactory commercial development; also the petition is considered premature due to the lack of presently existing need as well as details concerning the proposed layout and the area of land sought to be reclassified seems to be excessive for this community considering the many commercial zones set up on U. S. Route No. 10.

It is, therefore, the opinion of the Board that to reclassify the property would be detrimental to the general welfare of the community and the reclassification should be denied.

It is this 10th day of November, 1954, ORDERED by the Board of Zoning Appeals of Baltimore County, that the reclassification from an "A" Residence Zone to an "D" Commercial Zone, be and the same is hereby denied.

Approved:

County Commissioners of Baltimore County

Chairman

Board of Zoning Appeals
of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, Beverly Albers O'Neill and Hazel Albers Duncan, legal owners of the property situated at West Side St. Agnes Lane, 1st District, Baltimore County

THE APPOINTED SURVEY

All that parcel of land in the First District of Baltimore County, on the west side of St. Agnes Lane, beginning 300 feet south of Engleide Avenue, north 75 degrees 36 minutes east, 372.47 feet thence north 20 degrees 53 minutes east 637.77 feet thence south 17 degrees 13 minutes east 247.30 feet thence south 26 degrees 53 minutes east 56.30 feet to place of beginning.

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence Zone to an "D" Commercial Zone.

Reason for Re-Classification: The above described property is situated on a narrow, crooked and inadequate street, and the property is not suitable for commercial development at this time since the streets and roads are narrow, crooked and inadequate for a satisfactory commercial development; also the petition is considered premature due to the lack of presently existing need as well as details concerning the proposed layout and the area of land sought to be reclassified seems to be excessive for this community considering the many commercial zones set up on U. S. Route No. 10.

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, Beverly Albers O'Neill and Hazel Albers Duncan, 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 of Baltimore County.

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of May, 1956, 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 Reckord Bldg., in Towson, Baltimore County, on the 7th day of May, 1956, at 11:00 o'clock A. M.

Zoning Commissioner of Baltimore County

(over)

RE: Petition for Reclassification
From an "A" Residence Zone to an "D"
Commercial Zone - East side of
St. Agnes Lane, or Cooke Lane, 1st Dist.,
approximately 300 feet south of
Engleide Avenue
Beverly Albers O'Neill and
Hazel Albers Duncan
Petitioners

BEFORE WILHEM H. ADAMS
ZONING COMMISSIONER

ORDER FOR APPEAL

Mr. Zoning Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter denying the reclassification from an "A" Residence Zone to a "D" Commercial Zone.

Attorney for Petitioners

RE: Petition for Reclassification from
an "A" Residence Zone to an "D" Residence
Zone - East Side St. Agnes Lane, or Cooke
Lane, 1st Dist., approximately 315.82 feet
south of Engleide Avenue
Beverly Albers O'Neill and
Hazel Albers Duncan, Petitioners

BEFORE WILHEM H. ADAMS
ZONING COMMISSIONER

ORDER FOR APPEAL

Mr. Zoning Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter denying the reclassification from an "A" Residence Zone to a "D" Residence Zone.

Attorney for Petitioners

For row house situated in the First District of Baltimore County and described as follows:-

Section approximately 37.40 feet south of the intersection of Engleide Avenue and Cooke Lane, and from St. Agnes Lane, east property having a frontage of 375 feet along the westerly side of St. Agnes Lane and more particularly described as follows:-

BEING that lot for the same at a point on the east side of St. Agnes Lane 31 feet wide at the distance of 100 feet north 15 degrees 17 minutes east from the corner of the lot of the 1750 feet of the land described in the deed from Mrs. Jackson, widow, to Burton L. Albers and Miriam D. Albers, his wife, in later 1750, 1750, and thence along the line between Baltimore County and the City of Baltimore, north 20 degrees 53 minutes east 372.47 feet thence south 17 degrees 13 minutes east 247.30 feet thence south 26 degrees 53 minutes east 56.30 feet to place of beginning.

Containing 1 and 3/4/1000th Acres of land more or less.

For commercial property situate in the First Election District of Baltimore County and described as follows:-

Beginning approximately 300 feet Southerly from the intersection of Ingleside Avenue and Cook Lane, now known as St. Agnes Lane, said point being on or near the bridge crossing Dead Run, said property having a frontage on the Easterly side of St. Agnes Lane of approximately 635 feet and described more particularly as follows:-

BEGINNING for the same at a point on the West side of St. Agnes Lane 33 feet wide at the distance of 335 feet North 14 degrees 20 minutes 47 seconds East from the stone at the end of the fifth line of the land described in the deed from Dora Tossman, widow, to Herman L. Albers and Kirchen May Albers, his wife, dated February 8, 1908 and recorded among the Land Records of Baltimore County in Liber S. & P. Co. 63, folio 10 etc., thence binding on the West side of said St. Agnes Lane North 14 degrees 20 minutes 47 seconds East 635 and 32/100ths feet to intersect the second line of the land described in said deed; thence binding on said second line (said second line and part of the third line) the land described in said deed being the division line between the herein described land and the lot of ground now occupied by the Franklin Laundry (described land and the lot of ground now occupied by the Franklin Laundry) North 55 degrees 20 minutes West 56 and 32/100ths feet to the end of said second line; thence on the third and part of the fourth line of the land described in said deed the two following courses and distances, namely: North 79 degrees 12 minutes 10 seconds West 237 and 10/100ths feet and South 32 degrees 22 minutes 52 seconds West 442 and 77/100ths feet and thence for a line of division South 75 degrees 39 minutes 13 seconds East 373 and 85/100ths feet to the place of beginning.

Containing 5 acres of land more or less.

Petition No. 2908 District No. 1

Processed by D. Stanton

Hearing Scheduled Mon., March 22, 1954

Attention: Mr. Dill

Subject of Petition: First parcel - A - D, second parcel - an A - E on the W. S. of St. Agnes Lane beginning 935' S. of Ingleside Avenue

Comments:

This petition, which involves two adjacent parcels of land, is considered premature in view of general proposals for the area and the lack of details concerning the proposed development of the land. Further, the site is not considered a suitable location for commercial development.

There are proposals for road improvements involving the continuation of Forest Park Avenue, its connection to St. Agnes Lane, and the intersection with Ingleside Avenue. These proposals would effect the northern portion and the eastern boundary of the land under consideration. It is not felt that the proposal that part of the site be zoned for commercial use is satisfactory. About 1000' to the south there is an area zoned for commercial use at the intersection of Cook Lane and St. Agnes Lane. This would be ample to serve the need for local shopping and there are provisions for major shopping facilities nearby, on Route 10. If there is need for further commercial zoning it is felt that it should be located at the intersection of two roads. Cook Lane is to be extended across St. Agnes Lane and it is felt that this intersection is a better site.

The portion of the property which is indicated for group housing is inadequate in size for a satisfactory development. The Planning Commission has no knowledge that there is any plan to add this area to adjacent group house land and no plans for such a development have been submitted. In the absence of plans showing a satisfactory proposal for group houses, and pending the development of plans for road improvements in the area, it is recommended that a decision concerning the group house zoning be withheld.

As stated before, it is not felt that the remainder of the site is a logical location for commercial development. If the Zoning Commissioner sees fit to deny that part of the petition which deals with commercial use it is felt that a plan for development of the entire area in group houses is feasible and logical.

3-20-54 bb

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#2908

District: 1st Date of Posting: 3-10-54
Posted for: *Ann A. Henschel, George A. D. Henschel, John H. Henschel, 8"*
Petitioner: *Comm. for Beverly Gilbert O'Neill, Hazel Henschel*
Location of property: *W. S. of St. Agnes Lane, beg. 935' S. of Ingleside Ave., 1st Dist.*
W. S. of St. Agnes Lane, beg. 300' S. of Ingleside Avenue, 1st Dist.
Location of Signs: *1st and 2nd 316 ft. from the 514 ft. line, 1st Dist. 1335 ft. from the 1135 ft. line*
Remarks: *South of Ingleside Ave. on the West side of St. Agnes Lane*
Posted by: *George K. Hummel* Date of return: 3-11-54

Feb. 10, 1954

RECEIVED of James J. O'Neill, Jr., Attorney for O'Neill and Dumas, petitioners, the sum of \$5.00 being cost of certified copies of petition and other papers filed in the matter of an east side of St. Agnes Lane, 1st District of Baltimore County.

Zoning Commissioner

RECEIVED
REGISTRATION
DIVISION

770

March 16, 1954

\$44.00

RECEIVED of Hazel Albers Dumas, petitioners, the sum of Forty Four (\$44.00) Dollars, being cost of petition for rezoning, advertising and posting property west side of St. Agnes Lane, 1st District, Baltimore County, Maryland.

Zoning Commissioner

Hearing
Monday, March 22, 1954
at 11:00 a.m.
Baltimore Building
Towson, Maryland.



NO PLAT
IN
THIS FOLDER