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ORDER

Upon the foregoing Petition, it is this ## ## Ag day of November, 1955, ORDERED by the Board of Zoning Appeals of Baltimere County, that the application heretofore flied by Joseph C. Gomeringer, and Wilhemina Comeringer, Patitioners, for the reclassification of property located on the Northwest side of Stemmers Run Road, 703 feet Southwest of Marjyn Avenue, Fifteenth District, is amended as follows:

That the original application for reclassification from

"A" Residence to "E" Commercial, be amended for an application for reclassification for R-6 zone to a BL zone.

Sum Il bolling

1) Number charge can follow forth mily c 2) Part Part adult (1) Ruley for the production of the state of the

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HERCHE THE SCAND OF ZORING AFFIZING
OF 15-B
BALTIMENE COUNTY BL

IN THE MATTER OF THE APPLICATION FOR ZONING RE-GLASSIFICATION OF JOSEPH OWNERINGER AND

JUSEPH OWNERINGER
AND
WILHERING COMMERCINGER, HIS WIFE

- OPINION -

This case involves an Application for a la-Classification From a lb.0 Bendence Zeno to a lb.1 Maximes Zeno. The Original Application, having been fixed prior to the adoption of the or Zending Regulations of Bailiners County on Kurch 30, 1959, requested a re-classification from an A Bendence Zeno to an E Commercial Zeno. The Deputy Zending Cormissioner of Bailiners County passed his Urder on Exptender 20, 1955 graving the re-classification mulget to a provision therein stated.

The property involves .36 acres more or less of land located on the Northwest side of Stemmers Run Road, approximately 703 feet Southwest of Marlyn Avenue in the 15th Election District of Baitimore County. With the requirements for oif-street parking, building set-backs and modifications as to use, all of which are incident to a business usage in a B. L. Zone, it would seem that if this re-classification is granted, the use to which the property is put would be severely limited by the size of the lot involved. The testimony in the case presented to this board clearly developed that there have been many changes, both of a substantial growth in residential homes and of commercial or business uses in the inmediate vicinity since the enactment of the original Zoning Classification of this property as a residential on January 2, 1945. vicinity over the past several years with a re-classification to group home uss i, involving the land immediately adjoining and contiguous to the subjet property. Also, within 800 feet there has been a recent re-classification from residential to commercial. This Board finds, as a fact, that the many changes in the area have been of a sufficiently

#3401

GEORGE M. LINSKY

and t
MIDELSSEX GIVIC ASSOCIATION, INC. :

vs :
BOARD OF ZONING APPEALS OF
BALLTHORE COUNTY :

and

JOSEPH C. GONERINGER
and
WILDENIA GOMERINGER, his wife

IN THE CIRCUIT COURT
FOR BULTINORS OF NTY
Misc. 5/218

.....

The Source of Zoning Appeals points out in its outnite neverter disagrasince January 2, 1965 in the pair/befraced in which this property as located, because of those changes the loans decided this property abound to re-sound for commercial use and accordingly affirmed the Zoning Constantioner who and provincular realizations the property.

The Court of Appeals has repeatedly instructed that:

our of appearing the callenge is the action of the County Consistant Musclement as a maricipal registature, the County as a maricipal registature, the County must be represented the supplies of the County of the

Wakefield vs Kraft, 96 A2d, 27

Without reference as to how the Court would have decimes this case if the time power to some, it is clear that the court's only function on this appeal to to decide whether the Zoning authorities have stated artifact concliciously or illevally. This is a close case, but I count may derive to overseen in the record to support the Bound's fluiding.

FILED APR - 5 1956

substantial nature to justify the re-classification of this property from a residential or R.6 Zone, as it is now so designated, to B. L.

- ORDER -

It is therefore this  $E^{\frac{1}{2}}$  day of Evenher, 1955, by the Board of Zoning Appeals of Baltimore County GEREGO that the Petition for Re-Clearification from a R.o Zone to a B.L. Zone in the instant cause is granted.

BOARD OF ZONING APPEALS

PAILT IMORE COUNTY

Carl F. Vehden, Member

MAY 25 1958

Approved:
Courty Commissioners
of Bastimore County
Kobert S. Hamill

The decision of the Board 10, the parties, this 5th day of forth, 156, treed.

Listef buf Saux

cc: Austin W. Brisendine, Esq. 2h W. Pennsylvania Afenus

> John T. Enoch, Esq. 139 Equitable Bldg. Baltimore 2, Maryland

D-4:4305		P	De Ol
Pention	IOI	Loning	De Ol

UNIX CONCE

Property to be posted as prescribed by Zoning Regulations

I. or Are An Williams Concringer legal owner. of the property situals
The Back River Neck Road Abut 100 Fto
South Of Wellbrook Rd. In The 15, Dist. Of Baltimore

#3401

Country

All that parcel of land in the Fifteenth District of Saltimore Country, on the norther
side of Stemmers Rum Road, beginning 703 feet muthwest of Karlyn Aemus; thencesoutheesterly
and binding on northwart side of Stewmer Rum Road 10.17 feet; thence north 16 degrees 29 winnt
east 150 feet; thence north 16 degrees 31 minutes west 100 feet; thence mouth 61 degrees 29 winntes
east 150 feet; thence north 16 degrees 32 minutes
east 100 feet; thence north 16 degrees 32 minutes
east 100 feet; thence north 16 degrees 32 minutes
east 100 feet; thence north 16 minutes
east 100 feet; thence north 16

	As profession of	To	"A" Reside	Stores	and App	artments
Above	Classification Them					

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 roning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Joseph & Wilheming Gomeringer Joseph & Wilhelma Jones Owners
Legal Owner
Address Rd. 15 Box 125 Balto. 20 Md.

2/23/55-

Zoning Commissioner of Baltimore County

	ting of property, and public hearing on the above petition
	cation, the safety, salth and the general
welfare of the community not being	ng detrimentally affected
	the above re-classification should be had.
	resioner of Baltimore County this 22 th day of
September 19.55, that the	above described property or area should be and the same is
hereby reclassified, from and after the dat	te of this Order, from an "E-6" (rentdence)zone
for any buildings to be erected a ment of Public Works of Baltimor	zane, subject, however to the approval of setbacks and the development of said property-by the Depart- re County and the Planning Board of Baltimore County.
	0.00.
	Quel total
	Deputy Zoning Commissioner of Baltimore County
Pursuant to the advertisement, postin	ng of property and public hearing on the above petition and
appearing that by reason of	
	the above re-classification should NOT be had:
	oner of Baltimore County, this
	the same is hereby denied and that the
nove described property or area be and t	he same is hereby continued as and to remain a
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February 10, 1956

89.00

DESIGN of John T. Smoch, Alternay for protectants, the sum of Mine (\$9,000 hollars being cost of certified copies of papers filed in the matter of reclassification of preparty of Joseph (seerings), et al., morthwest size of Spenure Run Seet RO) feet nouthwest of Servya Avenue, 15th Electrics

Zoning Commissions

940

September 28, 1955

RECEIVED of Middlenex Civic Association the sum of

Fifty (\$50,00) Collars being cost of appeal from the decision of the Zoning Commissions: graving the reclassification of property on morthwest side of Stonmers Run Prod 705 foot southwast of Marlyn Avenue, 15th District, Joseph Gomeringur, February 9, 1955

20.00

MOUTHO of Joseph Comercinger, partitioner, the era of Yessey (\$20,00) Bullamy being cost of pedicate for Be-classification, convertading and posting property, nurthered also of Homere Run. Rank, 1586 Hateriot, Bulliance County, Navigand.

Zoning lemmissioner of Beltimore County.

Hearing: Wednesday, February 23, 195 rt 1:00 p.m. Reckord Building Towson, Maryland.

270.

Petition No. 3401 District No. 15 Comments by D. J. Stanton Hearing Scheduled Yea., Feb. 23, 1955

ATTENTION; Mr. AGREE SUBJECT OF PETSTON: From A to E - N.Y.s. of Stemmere Run Rd. 703' S.Y. of Mailyn

It is recommended that this position be <u>denied</u> for the reasons stated in our comments, substited in May of 1954, concerning a patition for consercial use on the sorth west corner of the intersection of Stemers Run Road and Narry Armon.

66

NO PLAT
IN
THIS FOLDER