

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—
I, or we, Elvin J. Daniels, Jr. legal owner... of the property situate

All that parcel of land in the Thirteenth District of Baltimore County, on the east side of Charleston Avenue, beginning 310 feet south of Fifth Avenue; thence westerly and binding on the east side of Charleston Avenue 150.11 feet; thence south 59 degrees 45 minutes east 125 feet; thence south 86 degrees 00 minutes east 80 feet; thence south 4 degrees 00 minutes west 60 feet; thence north 86 degrees 00 minutes west 200 feet to the east side of Charleston Avenue; thence southerly and binding on the east side of Charleston Avenue 255.06 feet; thence north 85 degrees 55 minutes east 1023.77 feet; thence north 3 degrees 30 minutes east 802 feet; thence north 86 degrees 15 minutes west 72.462 feet; thence south 4 degrees 00 minutes west 268 feet; thence north 86 degrees 15 minutes west 300 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" Residence zone to an "B" Commercial 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.

Elvin J. Daniels, Jr.
Legal Owner
Address 1830 BLITZT-HANK RD.
#21

ORDERED by The Zoning Commissioner of Baltimore County, this 14th day of March, 1955, 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 Record Building, in Towson, Baltimore County, on the 6th day of April, 1955, at 10:00 o'clock, A. M.

4/6/55
10 AM
Zoning Commissioner of Baltimore County
(over)

3478
ELVIN DANIELS, JR.
1830 BLITZT-HANK RD.
TOWSON, BALTO. CO., MD.
APR 6 1955

IN THE MATTER OF THE APPLICATION FOR RE-CLASSIFICATION BEFORE THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY CASE NO. 3478

This Petition for Zoning Re-classification from an R. 6 Zone to a B. L. Zone involves 16,655 acres of land more or less, located on the East side of Charleston Avenue in the 13th Election District of Baltimore County. The Zoning Commissioner of Baltimore County passed his Order on April 27, 1955, following a public hearing granting the Petition for re-classification, subject to certain qualifications therein stated. An appeal was duly noted by certain Protestants to this Board on May 4, 1955, which was duly heard on June 16, 1955.

The subject property lies on the East side of Charleston Avenue, beginning approximately 310 feet South of Fifth Avenue and thence running in a Southerly and Easterly direction, having an irregular shape and containing within its perimeter outline an existing lake, the shore outlines of which are approximately 200 feet by 800 feet at the mean average extremities thereof. This body of water occupies approximately 5 acres of the total 16,655 acres petitioned for. The testimony presented, and site inspection of the premises, clearly established that the existence of the lake makes the land completely unsuitable for any residential development. It is an extreme natural hazard existing and is a condition which should be corrected at the earliest possible time to protect the life and safety of children in the area who frequent the shore outlines thereof. In order for the petitioner to use the property for any business or commercial use, it would be necessary for him to fill a large portion of this lake. Therefore, while this Board feels such fill is an absolute prerequisite to the use of the area for commercial or business purposes, it does not incorporate such condition in its Order.

RE: PETITION FOR RECLASSIFICATION FROM AN "R-6" Zone to a "B.L." Zone - E. S. Charleston Ave., 310 feet S. 5th Ave., 13th District - Elvin J. Daniels, Jr., Petitioner

Pursuant to the advertisement, posting of property and public hearing, from the testimony presented at the hearing and an inspection of the property disclosed that there is a lake located on the property in question which makes it unsuitable for residential development and also a hazard to the nearby residences. However, it was agreed by the petitioner to erect a fence around the lake, which would be beneficial to the health, safety, morals and the general welfare of the community, therefore, the reclassification should be had.

It is ORDERED by the Zoning Commissioner of Baltimore County on 27th day of April, 1955, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from an "R-6" Zone to a "B.L." Zone, subject to compliance with the following provisions:

- That a fence of the Anchor Post type, at least seven (7) feet in height be erected around this lake, and
- That any plans for the erection of buildings and the parking be submitted to the Baltimore County Planning Commission for its approval.

Elvin J. Daniels
Zoning Commissioner
of Baltimore County

because of necessity a large portion of the lake will have to be filled. The visual quality of the subject property has seen a tremendous residential growth which is currently continuing in the last few years. Primarily, this growth has resulted from large areas rezoned for the construction of group homes. In addition, within the general neighborhood, there have been several Applications and Petitions for re-classification to commercial usage granted by this Board and the Zoning Commissioner since February 2, 1945.

From all the testimony and factual information presented to this Board, it is the opinion of this Board that the area has undergone tremendous residential and commercial growth in recent years and the subject property is absolutely unsuitable for any residential development. It would seem to this Board that the greatest service that it can do the community, is to grant the application, with the conditions and provisions to be placed in the order of this Board which will assure safety to the community and remove the great natural hazard created by the existence of the lake. Further, the need for additional commercial shopping outlets was evidenced in the testimony, and it is felt such service could only prove to be an asset to the community.

It is therefore this 27th day of October 1955, by the Board of Zoning Appeals of Baltimore County ORDERED that the Petition for re-classification from an R. 6 Zone to a B. L. Zone in the instant case is granted, subject to the following conditions:

- 1. All grading, parking and building plans, incident to the use of the area for business purposes, shall be submitted to the Office of Planning of Baltimore County for its approval.
- 2. An Anchor Post type fence, with a minimum height of 7 feet, shall be erected around the entire unfilled portion of the existing lake.

BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Elvin J. Daniels
Daniel E. Hubert, Member
Carl F. Vohden
Carl F. Vohden, Member

EDWARD D. HARESTY
HENRY M. MILLER
and
GILBERT J. HARDING

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

VS
BOARD OF ZONING APPEALS

Misc No. 7, Folio 216
Case No. 1548

Jan. 24, 1956- Judge Michael Paul Smith- Action of Board affirmed (Opinion filed. "case appealed, all papers sent to Court of Appeals)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
Harding VS Board of Zoning
Case No. 1548
Opinion of Board affirmed...
Jan. 24, 1956
Please be prepared to file on that day.
GREGOR L. DWYER, Clerk.

See 2000
~~Elvin J. Daniels, Jr.~~
~~Ed. Daniels, Jr.~~
~~Carl Walke Hanna~~
~~Ed. Daniels, Jr.~~
~~Carl Walke Hanna~~
Edwin J. Daniels - Past owner
17 Ave.
Chas. Misler
7018 Park Heights Ave.
John Baxter - Notary
338 - 5th Con. Lane - Balto. 27.
Safety to children
Suden Meyer
417 - 5th Ave.
Ed. Daniels, Jr. - Notary
345 Bigby Ave.
Carl Walke Hanna
327 - 5th Ave.
Chas. E. Seader
423 Fifth Ave.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District 13th Date of Posting 3-23-55
3478
Posted for Carl A. Hancock Janitor on S. Commercial Zone
Petitioner: Elvin J. Daniels, Jr.
Location of property 110 S. of Charleston Ave. by strips of 50 feet each, three
S. 4. running on the S. of Charleston Ave. 110 feet each, 50 feet
Location of Sign on the S. of Charleston Ave. 110 feet south of 5th Ave. on
the curb side of Charleston Avenue
Remarks: _____
Posted by George B. Hummel Date of return 3-24-55

March 7, 1955

\$25.00

RECEIVED OF Elvin J. Daniels, Jr. the sum of Twenty
Five (\$25.00) Dollars, being cost of petition for reclassi-
fication, advertising and posting property, Charlespen
venue, 13th District.

Zoning Commissioner

HEARINGS

Wednesday, April 6, 1955
at 10:00 a.m.
Reckord Building
Townson, Maryland.



Petition No. 3478 District No. 13
Comments by D. J. Stanton
Hearing Scheduled for Wed., April 6, 1955

ATTENTION: Mr. Adams

SUBJECT OF PETITION: From an "A" to an "E" - E. S. of Charleston Ave. 310' S. of
Fifth Avenue

COMMENTS:

It is recommended that a decision on this petition be withheld until a
decision has been reached on Petition No. 3326. Number 3326 is an earlier petition
for commercial zoning of an extensive tract almost immediately to the south of the
land in the present petition.

It is felt that the reclassification of both of these tracts would result
in excessive commercial zoning which would be against the best interests of the
community.

The tract to the south is considered a more suitable location for commercial
development because it would have access from the proposed road connection between
Hollins Ferry Road, Hammons Ferry Road and Monumental Road.

For these reasons it is recommended that a decision on the present petition
be withheld. Should it develop that Petition No. 3326 is granted, then it is recom-
mended that No. 3478 be denied.

4-12-55 bb

MAY 5 - 1955

Jy 78

NOTICE OF APPEAL TO THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

May 4, 1955

Honorable Wilkie H. Adams
Zoning Commissioner
Buildings and Zoning Department
303 Washington Avenue
Townson 4, Maryland

Re: Petition for reclassification from
"B-4" Zone to "B.L." Zone, East side
of Charleston Avenue, 110 Feet South
of 5th Avenue, 13th District, Elvin
J. Daniels, Jr., Petitioner

I acknowledge and thank you for your letter of April 27,
1955 in which you advise that the above designated property has
been reclassified to a "B.L." Zone, subject to certain prescribed
conditions.

I regret that I am obliged to disagree with your findings
of fact and ruling as set forth. Consequently, I wish to enter an
appeal from the said order to the Board of Zoning Appeals. I am
advised that this must be done within ten days from the date of
the said order and that a letter directed to you would suffice.
Hence, will you please accept and consider this letter as a notice
of appeal and as an appeal from your order of April 27, 1955 to the
Board of Zoning Appeals of Baltimore County.

Please be advised that I am entering this appeal on behalf
of myself and virtually every property owner in the adjacent
neighborhood. A list of their respective names and addresses will
be submitted at the hearing on appeal.

You will find enclosed a check in the amount of fifty (\$50)
dollars to cover the cost of appeal.

I am sending a copy of this letter to the Board of Zoning
Appeals of Baltimore County.

Very truly yours,
Edward D. Hardesty
Edward D. Hardesty
345 Rigley Avenue
Londontowne, 27, Md.
Attorney for
Protestants

cc: Board of Zoning Appeals of Baltimore County
etc.

Estabach
Fidelity Onion Skin
May 6, 1955

\$50.00

RECEIVED OF Edward D. Hardesty, Attorney for protestants
the sum of Fifty (\$50.00) Dollars, being cost of appeal to the
Board of Zoning Appeals of Baltimore County from the decision
of the Zoning Commissioner granting reclassification of property
on the east side of Charleston Avenue, 110 feet south of 5th
Avenue, 13th District.

Zoning Commissioner

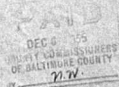


December 6, 1955

\$8.00

RECEIVED OF Edward D. Hardesty, Attorney for appellants,
the sum of Eight (\$8.00) Dollars, being cost of certified copy
of petition and other papers filed in the matter of reclassi-
fication of property of Elvin J. Daniels, Jr., east side of
Charleston Avenue, 13th District.

Zoning Commissioner



CHARLSTON

B. O. A V E.
3100th Fifth Ave.

N. 4° 00' E. 150.11'

N. 4° 00' E. 253.06'



Pipe

S. 82° 14' 35" E. 200.00'

Pipe

N. 4° 00' E. 228.00'

S. 86° 14' 35" E. 729.42'

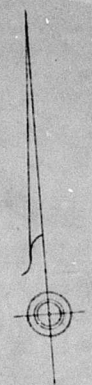
Stone

50
10
20
30
40
50
60
70
80
90
100

N. 85° 55' E. W. 1023.77'

Pipe

16,655 A[±]



"LANS DOWNE"
13TH DIST. BALTO. COUNTY, MD.
SCALE: 1"=100' JULY, 1953

RALPH G. SNYDER
Registered Surveyor
Giza, Burniz, Md.