#3831-RX MAP

#1-A

R.6

6/5/56

3831

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PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION

To the Zoning Commissioner of Beltimore County:

Legal Owner I, or we, THOMAS M. STEMART & B. INDUSTRY STEWART 1, or ve, TEMMAS M. STRUCTS AND INVESTIGATION OF THE PROPERTY OF THE PROPER

reet to the beginning. Property known as 6104 Frederick Road, hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-G Zone to m R-G Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property,

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and Special Exception, 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.

B. Dorothy Stewart

Filec/

5/4/50

6/6/56

1- 516NI EACH

## THOMAS I. KENNY, INC.

Sieres eres eres ere Jumil Dinder res eres eres eres e THOMAS M. STEWART Hollow and Gilmer Streets \* Telephone Gilmer 5-5675 BALTIMORE 23, MARYLAND

September 12, 1956

Buildings and Zoning Department of Baltimore County, 303 Washington Agonue, Towson, 4, Maryland. Board of Zoning Appeals:

On July 6th, 1956, we rendered to you our check in the amount of \$ 50,00 being the cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying reclassification for funeral home at the northeast corner of Frederick Rond and Poplar Avenue, 1st

We wish to advise you that we are withdrawing our Appeal, and would appreciate you forwarding u shatever amount is due us from our check of \$ 50.00.

OFDERED BY the Zoning Commissioner of Raltimore

County this 14th day of Nay 19 56, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 6th , 19 56 , at 2 o'clock P. M.

July 6, 1956

3831

SECRIVED of Thomas H. Stewart and B. Dorothy Stewart, the sum of Pifty (\$0.00) Pollars being cost of appeal to the Board of Zoning appeals of Baltimore County from he decision of the Zoning Commissioner denying reclassification for funeral home at the northeast corner of Frederick Road and Poplar Avenue

Zoning Countariones

01.623 - Zoning Service Charges

RE: FETITION FOR RECLASSIFICATION FROM AN "R-0" ZOME to an "R-5" Zone -Special Exception for Funeral Home N. E. Cor. Frederick Road and Toplar Ave., lat District - Thos. M. Stewar and H. Dorothy Stewart, Pattioners

Unon hearing on patition in the above matter and after having seen and studied the area in question, it is my opinion that the petition should be denied for the following reasons.

This proposed funeral establishment is a connercial enterprise, and although it is permitted in some residential zones under the Zoning Regulations if and when it can be located with discrimination in relation to their surroundings. I cannot feel that a funeral establishment could possibly be located in a fine residential area without being detrimental to the safety, or general welfare of

In the case of Jack Lewis vs daltimore City, 16h Maryland the Court of Appeals stated as follows:

"That such a use may adversely affect persons residing in the immediate neighborhood of the proposed establishment in the confortable enjoyment of their homes, and lessen the value thereof for residential purposes, is neither an arbitrary nor an unnatural presumption, but on the contrary it is an inevitable inference from common knowledge of the nature and the minds of men. Because of their mortal nature, the certainty of death and the uncertainty of the time thereof, there is in the human race an instinctive horror of death, and upon the intuitive desire to postpone or convict it, rest the first great law of nature. Much of the world's wealth is spent in prolonging life, the severest punishment known to the law is to be deprived of it, and few there are who when the last call comes leave

look behind'. Death to the ordinary man is associated always with sorrow and pain, with the loss of those nearest and dearest to him. with severed friendships that may not be remewed, and with dissolution of ties of love and affection which sweetened his life, and cheered and consoled him in misfortune and adversity. Consequently, to one of normal sensibilities, the presence of dead bodies, the gloomy trappings of funeral woe, the pall, the hearse, the shroud, and the casket, and that the knowledge that within a few feet of him bodies are being prepared for sepulture, the unending coming and going wholly inconsistent with the healing repose and respite from work and worry, which, whatever its character, is usually associated with the atmosphere of the time. And in dealing with the question in issue here such factors are quite as much entitled to consideration as those which

have a more direct, tanzible, and physical effect, for it cannot now be

doubted that physical deterioration may and probably will result from

conditions which constantly decress and disturb the mind, nor, as was

pointed out in the City of Baltimore vs Fairfield Imp. Co., 87 Md 364 et seq., 39 A. 1081, 1084, is it essential that the sensations aroused

by such condition be based upon demonstrable facts."

the warm precincts of the cheerful day nor cast one longing lingering

It is, therefore, this 29 th day of June, 1956, by the Deputy Zoning Commissioner of Baltimore County ORDERED that the aforesaid potition, the first for reclassification from an "R-G" lone to an "R-6" Zone and the second for a special exception for a Funeral Home, be and the same is hereby denied and the property is entinued as an "R-G"

Zoning Comprissioner

CONING DEPARTMENT OF BALTIMORE COENTY PETITION FOR ZONING BECLASSIPICATION AND SPECIAL EXCEPTION -BUSINGT Purpusal to petition filed with the Zoning Commissioner of Baltiore County for change or re-assification from an R.G. Zon-an R.6 Zone and a Specia

pilon for a Funcial Home-Zoning Commissioner of Balti-County, by authority of the new Act and Regulations of the more County, will hold a ic hearing in Boom 198, ty Office Building, 111 W. ing mentioned and described

202 feet; thence south 68 degree 97 minutes west 1420 feet to the reast side of Poplar Avenue there, southerly on the east side of Doplar Avenue 200 feet to the beginning. Pracerty Assem in 6101 Frederick Rosel, being prop-erty of B. Darothy and Thomas M. Stewart, as shown as

By Order of WILSIE H. ADAMS, Zoning Commissioner of Baltimore County.

RECEIVED of J. Youef Milinan, attorney for petitioner, Thomas M. Stewart, the sum of Thirty-eight (\$38.00) dollars. being cost of petition for Zoning Reclassification and Special Exception, advertising and posting property on the Mortheast corner of Frederick Road and Poplar Avenue,

May 16, 1956

HEARING. Wednesday, June 6, 1956 at 2:00 P. M.

Pirst District of Baltimore County.

\$38.00

01.623-425.00 01.622-\$10.00

MAY 1 6 1956 COMPTROLLER'S CT/ICE mmy

THE BALTIMORE COUNTIAN THE COMMUNITY PRESS Dundalk, Md.

THE HERALD - ARGUS No. 1 Newburg Avenue

CATONSVILLE, MD.

May 24 1956 THIS IS TO CERTIFY, that the annexed advertisement of Wilse N. adams Juning Commissioner

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 2-th day of May, the same was inserted in the issues of

May 18 and 25, 1956.

THE BALTIMORE COUNTIAN

By Paul J. Morgan Editor and Maringer.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

#3831 Posted for Len J. S. Jone by an R. b your Special Experience of Standing & Sugar Sugar Stand Date of Posting 5-23-56 Location of property M. les of Include Let wet Popler arenue the Lee Alas Server ar 4194 Frederick Lond location of Signs Posted on property benownas 4104 Frederick Road

Posted by Glange A. Henry

F. boslor Vin 168° 07' E 149 910 3 Stort 20 CODY WAY WAY WAY ON WAY OF WAY OF WAY OF THE PARTY OF 51 FREDERICK ROAD Bedwe zel Scale: Linch = 40 feet Property: 6104 Frederick Road 6. ·