

PETITION FOR RECLASSIFICATION
 FROM "B-6" ZONE TO A "B-M"
 POWERS LANE, 3050 FEET WEST
 HOLLING ROAD, FIRST DISTRICT
 VERNON L. AND ISABELLA D. BUSH
 PETITIONERS

BEFORE

WILHELM H. ADAMS

ZONING COMMISSIONER

APPEAL

Mr. Commissioner:
 Please enter an appeal in the above entitled case
 to the Board of Zoning Appeals for Baltimore County.

William F. Bolton Jr.
 William F. Bolton Jr.
 Attorney for Petitioners



It is unnecessary to discuss the proposed use of the property as a roller skating rink for the reason that the reclassification would legally permit any of the many types of commercial use permitted in a "Business Major" Zone.

For these reasons we think it clear that the reclassification must be denied.

ORDER

For the reasons set forth in the foregoing Opinion it is this 27th day of December, 1956, ORDERED by the Board of Zoning Appeals of Baltimore County that the reclassification herein be and the same is hereby denied.

James H. Adams
James H. Adams
 Board of Zoning Appeals
 of Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM "B-6" Zone to "B-M" Zone - W. & S. Sides Powers Lane 3050 Feet W. Holling Road, 1st District - Vernon L. Bush and Isabella D. Bush, Petitioners

BEFORE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY No. 3919

OPINION

This is a petition asking the reclassification of 6-1/3 acres of land lying to the north of Baltimore National Pike. The land has no frontage on the Highway except a 30 foot strip for ingress and egress.

A change from "B-6 Residential" to "Business Major" is requested.

A substantial part of the frontage on the highway in this area including a portion of that lying in front of the subject property is now zoned commercial but the property to the north of the highway is developing as a cottage type residential of a good character.

We can see no legal justification for the requested reclassification. We feel that the original zoning as residential was clearly right and there has been no change in the neighborhood such as would justify commercial classification. Such changes as have occurred would seem to justify a continuance of the residential classification rather than a change to commercial.

We also feel that the reclassification would be obvious spot zoning and entirely inconsistent with general zoning plan of the area as it is now set up on the map.

VERNON L. BUSH and ISABELLA D. BUSH Petitioners

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

CHASLES H. HUBBS, DAVID M. HUBBS and CALE P. FOREMAN being and consulting the Board of Zoning Appeals of Baltimore County Defendants

ANSWER TO WRIT OF HABEAS CORPUS AND ORIGINAL AND DELETED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Mr. Clerk: Please file, etc.

Secretary to County Board of Appeals of Baltimore County

VERNON L. BUSH and ISABELLA D. BUSH Petitioners

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: *1st* Date of Posting: *8-28-56*

Posted for: *Case No. 3919 to an B-M zone*

Petitioner: *Mrs. Vernon L. Bush and Isabella D. Bush*

Location of property: *W. & S. Sides of Powers Lane, by 3050 ft. west of Holling Road, 1st District*

Location of Signs: *On the W. & S. Sides of Powers Lane by 3050 ft. west of Holling Road, 1st District*

Posted by: *George R. Anderson* Date of return: *8-30-56*

OFFICE OF PLANNING

From: G. M. Shipling, Jr., September 10, 1956

To: Wilhelms H. Adams, Zoning Commissioner

Subject: Zoning Petition #3919 - B-6 to B-M

1st District, West and south of Powers Lane, beginning 3050 feet west of Holling Road. Hearing September 10, 1956

- (1) If reclassified B-M, the tract would be a large isolated spot of major business within an area that is developing in good residential use.
- (2) This office is at present making land-use studies of the 1st District leading to over-all zoning proposals.
- (3) Reclassification of the tract prior to adoption of careful comprehensive zoning for the area would establish an undesirable precedent.
- (4) Being remote from a major highway, and having inadequate road access, this location is not appropriate for major business. There is no guarantee that the use will in fact be "roller skating." (This is another instance of the need for a planned business zone.)
- (5) Reclassification to B-M rather than B-W would give more protection to the residential character of the neighborhood, but at this time, neither reclassification is recommended by this office.

OS/gh

August 6, 1956

\$44.00 RECEIVED of Vernon L. Bush, petitioner, the sum of Forty-four (\$44.00) dollars, being cost of petition for Reclassification, advertising and posting the property at Powers Lane and Baltimore National Pike, First District of Baltimore County.

Thank you,
 Zoning Commissioner of Baltimore County

RECEIVED
 1956 - 1956
 SEP 10 1956
 COMMUNITY DEVELOPMENT
 DIVISION

Petition for Zoning Re-Classification

To the Zoning Commissioner of Baltimore County:-
 I, or we, VERNON L. BUSH, ISABELLA D. BUSH legal owners of the property situate AT 2123 POWERS, Lane and Baltimore National Pike Route 40 Catonsville 28, Md.

All that parcel of land in the First District of Baltimore County on the West and south side of Powers Lane, beginning 3050 feet west of Holling Road, thence West and south and lying on the West side and south side of Powers Lane 623.08 feet; thence North 22 degrees 30 minutes West 722.3 feet to the North side of Baltimore National Pike; thence West and lying on the North side of Baltimore National Pike 30 feet; thence North 22 degrees 30 minutes East 247.9 feet; thence South 62 degrees 38 minutes East 344 feet; thence North 22 degrees 30 minutes East 216 feet to the place of beginning.

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an B-6 zone to an B-M zone.

Reasons for Re-Classification: To build a roller skating rink

Size and height of building: front 150 feet; depth 240 feet; height 17 feet.

Front and side set backs of building from street lines: front 287.4 feet; side 45 feet.

Property to be posted as provided by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further to do and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Vernon L. Bush
Isabella D. Bush
 Legal Owner
 Address: *414 Oella Ave., Catonsville 28, Md.*

ORDERED BY The Zoning Commissioner of Baltimore County this 10th day of August, 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, at 111 W. Chesapeake Ave., in Towson, Baltimore County, on the 10th day of September, 1956, at 10:00 A.M.

Zoning Commissioner of Baltimore County
 (over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

It is Ordered by the Zoning Commissioner of Baltimore County this 10th day of August, 1956, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a B-6 zone to a B-M zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of reclassification, from an "B-6" (residence) zone to a "B-M" (business major) zone for the purpose of a roller rink. To reclassify the property would permit any of the uses allowed in a "B-M" zone all of which would be detrimental to the general welfare of the community. The Office of Planning does not recommend this change. At it is making a study of the land use at this time. The petition, therefore, is premature and should be considered in the over-all study for the adoption of the new zoning map for this area.

the above reclassification should NOT be had. It is Ordered by the Zoning Commissioner of Baltimore County, this 10th day of September, 1956, that the above petition be and the same is hereby continued and that the above described property or area be and the same is hereby continued as and to remain a "B-6" (residence) zone.

William H. Adams
 Zoning Commissioner of Baltimore County

Approved _____ County Commissioners of Baltimore County
 Date _____ By _____ President

9/10/56
12/27

September 27, 1956

\$50.00

RECEIVED of William P. Bolton, Jr., Attorney for Vernon L. and Idella D. Bush, petitioners, the sum of Fifty (\$50.00) Dollars being cost of appeal to the Board of Zoning Appeals from the decision of the Zoning Commissioner denying the reclassification of property on Powers Lane west of Rolling Road, 1st District.

Walter N. Adams
Zoning Commissioner

01.623 Zoning Service Charge

RECEIVED

SEP 26 1956

COMPTROLLER'S OFFICE

7910

April 14, 1958

\$8.00

RECEIVED of Clayton A. Dietrich, Attorney for Vernon L. Bush, et al, petitioners, the sum of Eight (\$8.00) Dollars being cost of certified copies of papers in the west and south sides of matter of reclassification of property on Rolling Road, 3050 feet west of Rolling Road, 1st District.

Zoning Commissioner

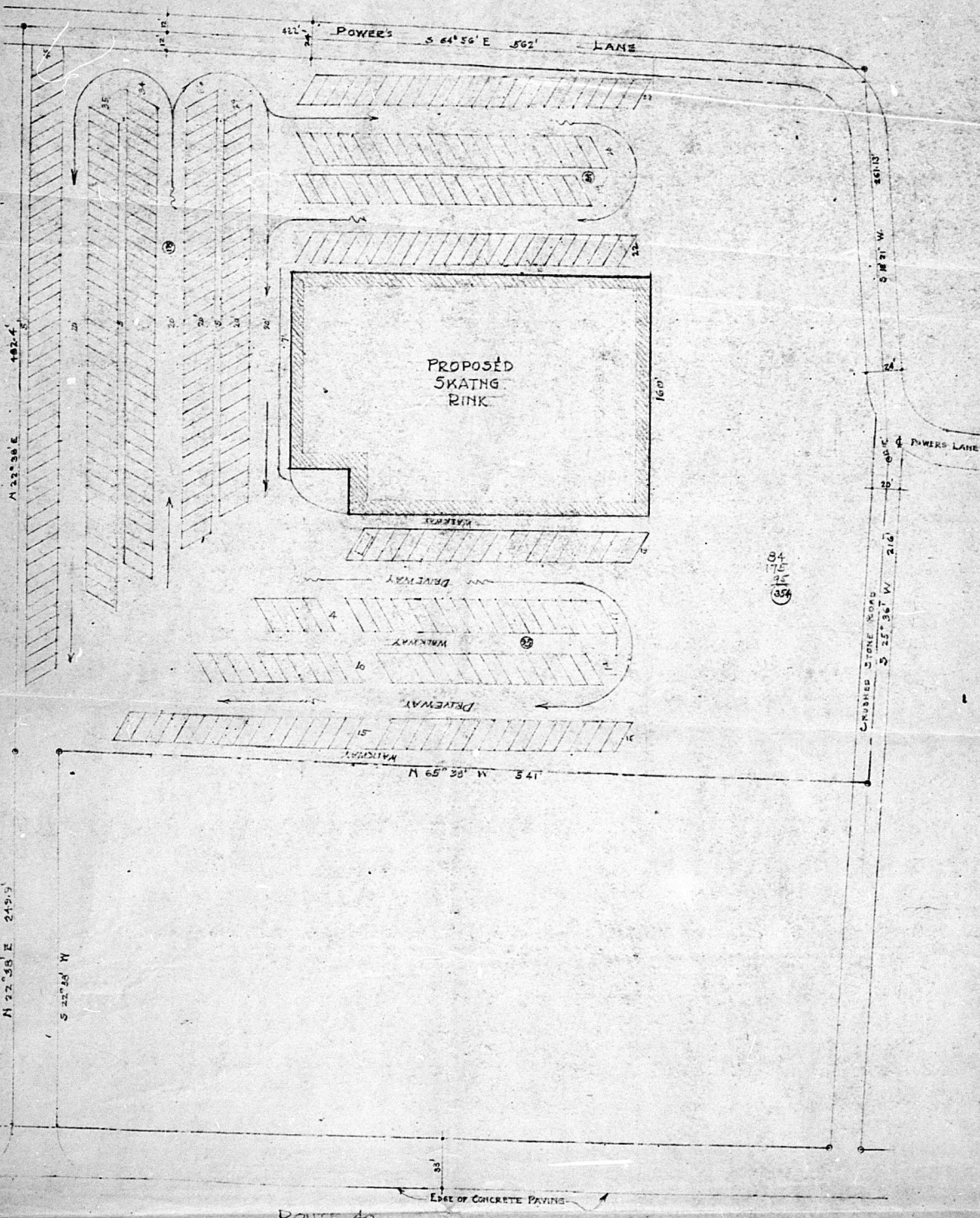
RECEIVED

APR 14 1958

COMPTROLLER'S OFFICE

CS

01.627



84
175
25
1054

Scale 1" = 40'

LAYOUT OF PROPERTY
OF VERNON L. BUSH
ROUTE 40
360' west of Rolling Road
CATSBVILLE
MD.

