

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—

I, Peter Holzmuecht, legal owner... of the property situated at 1003 Wilson Point Road, in Baltimore County of the 15th Election district, with improvements thereon, known as 1003 Wilson Point Road.

All that parcel of land in the Fifteenth District of Baltimore County on the East side of Wilson Point Road, beginning 1911 feet South of Hazel Drive, thence Southerly and binding on the East side of Wilson Point Road 150 feet; thence Southerly 131 feet to the West side of Stansbury Creek; thence Northerly and binding on the West Shore line of Stansbury Creek 153 feet; thence Westerly 215 feet to the place of beginning, being lots No. 108, 109 and 109, Plat of Bell Neck.

herby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-4 zone to an R-1 zone.

Reasons for Re-Classification: Desires to have property removed to that of Commercial, so that application may be made to the Liquor Board, Baltimore County, for a beer and wine license on said premises.

Size and height of building: front 38 feet, depth 49 feet, height 11 feet. Front and side set backs of building from street lines: front 153 feet, side 11 feet. Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification, 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.

Peter Holzmuecht
Petitioner
715 N. Collington Ave.
Baltimore-5, Md.
Legal Owner

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of September, 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 hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, on the 17th day of October, 1956, at 2 o'clock P. M.

Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR RECLASSIFICATION FROM AN "R-4" ZONE TO A "R-1" ZONE -
S. S. Wilson Point Road 1911 feet
S. Hazel Drive, 15th District -
Peter Holzmuecht, Petitioner

Pursuant to the advertisement, posting of property and public hearing on the above petition, after having heard the testimony and public having seen the property I can only conclude that this property was correctly zoned residentially at the time of the adoption of the Zoning on January 2, 1945.

There was no error in zoning shown at the time of the hearing by introducing any evidence or statement of fact showing such an error, nor was there any attempt to show that there were any changes in the area to warrant such reclassification. To grant this reclassification would be "spot zoning" and the beginning of the eventual ruination of the entire area.

It is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15 day of October, 1956, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "R-4" (residence) Zone.

Robert J. Romacka
Deputy Zoning Commissioner
of Baltimore County

November 15, 1957

\$0.00

RECEIVED of Robert J. Romacka, Attorney for Peter Holzmuecht, petitioner, the sum of Eight (\$8.00) Dollars being cost of certified papers filed in the matter of reclassification of property on east side of Wilson Point Road, 1911 feet south of Hazel Drive, 15th District.

Zoning Commissioner

November 2, 1956

\$50.00

RECEIVED of Romacka & Flynn, Attorneys for Peter Holzmuecht 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 Deputy Zoning Commissioner denying reclassification of property on the east side of Wilson Point Road 1911 feet south of Hazel Drive, 15th District.

Zoning Commissioner

01.62 Zoning Service Charge

RECEIVED
NOV 7 1956
COMPTROLLER'S OFFICE

September 25, 1956

\$35.00

RECEIVED of Peter Holzmuecht, petitioner, the sum of Thirty-five (\$35.00) dollars, being cost of petition for Reclassification, advertising and posting property on "the East side of Wilson Point Road, beginning 1911 feet South of Hazel Drive, Fifteenth District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, October 17, 1956
at 2:00 P. M.

Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
SEP 25 1956
COMPTROLLER'S OFFICE

01.623-410.10
01.623-405.10

October 17, 1956

\$6.50

RECEIVED of Flynn & Romacka, Attorneys for Peter Holzmuecht petitioner, the sum of \$6.50 being additional cost of advertising and posting property on the east side of Wilson Point Road, 15th District of Baltimore County.

Zoning Commissioner

ROBERT J. ROMACKA
ATTORNEY AT LAW
821 EASTERN AVENUE
EBEN, MARYLAND
MURDER 6-8754

November 1, 1956

Mr. Charles L. Fitzpatrick
Deputy Zoning Commissioner
Building & Zoning Department
303 Washington Ave.
Towson-4, Maryland

Re: Petition for Reclassification from an "R-4" Zone to a "R-1" Zone -
Zone - S. S. Wilson Point Road
1911 feet S. Hazel Drive, 15th Dist., Peter Holzmuecht, Petitioner

Dear Mr. Fitzpatrick:

I am in receipt of your Order denying reclassification of the above property, as Ordered October 25, 1956.

I have been informed by my client, Mr. Peter Holzmuecht, to file an appeal of said Order to the Board of Zoning Appeal of Baltimore County, and therefore request that you forward to said Appeal Board all papers relating to this matter.

Enclosed herewith is a check in the amount of \$50.00 as advanced cost in taking said Appeal.

Very truly yours,

Robert J. Romacka
Robert J. Romacka
Bernard J. Flynn,
Attorneys for Petitioner.

RR:ree
Enc.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

3953

District 15 Date of Posting 10-3-56

Posted for: Ans. R-1 zone to comply with L. zone

Petitioner: Peter Holzmuecht

Location of property: E. S. of Wilson Point Rd., by 1911 ft. South of Hazel Drive, 15th Dist., known as 1903 Wilson Point Road.

Location of Signs: Posted on property known as 1903 Wilson Point Road.

Remarks: George R. Romacka Date of return: 10-4-56

Posted by: George R. Romacka

RE: PETITION FOR RECLASSIFICATION
FROM AN "B-2" Zone to a "B-1" Zone
Zone - S. S. Wilson Point Road
1911 feet S. Hazel Drive, 15th
District - Peter Holmkecht,
Petitioner

REMOVE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 3953

The petition in this case seeks a reclassification, from an "B-2" Zone to a "B-1" Zone, of the property of Peter Holmkecht, on the east side of Wilson Point Road, 1911 feet south of Hazel Drive, in the Fifteenth District of Baltimore County.

The Board after hearing the testimony finds that the business of the petitioner has been that of leasing his premises for use by organizations or groups for outings and that he has furnished no services other than the maintenance of the facilities.

To grant this petition would pre-suppose a change in the character of the neighborhood or an error in the original zoning designation; the first circumstance was not claimed and the second not proven to the satisfaction of the Board. Further, the granting of the reclassification would enable the petitioner to apply for a beer and wine license (an admitted objective) which, if granted, would change materially the nature of his business which is claimed as a nonconforming use. This change would do serious damage to the adjacent substantial residential property and affect seriously the traffic pattern of the whole community at Wilson Point, therefore, the petition is denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of May, 1957, by the County Board of Appeals ORDERED that the reclassification herein requested be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Note: Mr. Agnew did not sit in the above case.

PETER HOLMKECHT
1905 Wilson Point Road,
Baltimore 20, Maryland
vs
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
County Office Building
Towson 4, Maryland

IN THE
CIRCUIT COURT FOR BALTIMORE
COUNTY
Misc. 1763

ANSWER TO WRIT OF CERTIORARI AND ORIGINAL AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
ZONING COMMISSIONER AND COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, etc.

Secretary County Board of
Appeals of Baltimore County

PETER HOLMKECHT
1905 Wilson Point Road,
Baltimore 20, Maryland

vs
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
COUNTY OFFICE BUILDING
Towson 4, Maryland

IN THE
CIRCUIT COURT FOR
BALTIMORE COUNTY
Misc. 1763

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Charles C. Irish, Spiro T. Agnew and Nathan H. Kaufman, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the writ of certiorari directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

No. 3953

Sept. 17, 1956

" "

Oct. 3, "

" 4, "

ZONING ENTRIES FROM BOOKS OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

Petition of Peter Holmkecht for reclassification of property on the east side of Wilson Point Road, 1911 feet south of Hazel Drive, 15th District, from an "B-2" Zone to a "B-1" Zone, filed.

Order of Zoning Commissioner direct advertisement and posting of property - date of hearing set for October 17, 1956 at 2:00 p.m.

Certificate of posting of property on Oct. 3, 1956, filed

Certificate of publication in newspaper, filed.

Oct. 17, 1956 At 2:00 p. m. hearing held on petition by Zoning Commissioner case held sub curis.
" 25, " Order of Commissioner denying the reclassification from an "B-2" Zone to a "B-1" Zone.
Nov. 2, " Order of appeal to the County Board of Appeals from Order of Zoning Commissioner, filed.
May 2, 1957 Hearing on appeal before the County Board of Appeals.
" 9, " Order of County Board of Appeals affirming the Order of Deputy Zoning Commissioner denying the reclassification.
June 11, " Writ of certiorari and appeal to the Circuit Court for Baltimore County served on the County Board of Appeals.
July 3, " Transcript of testimony taken at the appeal hearing before the County Board of Appeals, filed.
List of property resumed in Wilson Point area from 1910 to date filed as Petitioner's Exhibit No. 1.
List of property filed by petitioner.
Affidavits filed by Petitioner.
List of protestants appearing at the appeal hearing filed as Protestants' Exhibit No. 1.
Photographs filed by protestants, - Exhibits Nos. 2 to 6.
Petitions of protest filed as Protestants' Exhibit No. 6.
Letter of protest.
Record of proceedings filed in the Circuit Court for Baltimore County.
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.
Respectfully submitted,

**NO PLAT
IN
THIS FOLDER**