

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

X or we, John I. C. Kirby & Marie Louise Kirby, legal owner(s) of the property situate
Kirby,

Beginning for the same at the corner formed by the intersection of the
corner of Spring Avenue with the center of Kirby Avenue and running
thence and binding in the center of Kirby Avenue North 27 degrees 33
minutes east 357 feet thence leaving said Avenue and binding on the
south 64 degrees east 265.18 feet line to the center of Franke Avenue
thence binding in the center of Franke Avenue south 27 degrees 17
minutes west 357 feet to the center of Spring Avenue; thence binding
in the center of Spring Avenue north 63 degrees 59 minutes west 261.85
feet to the place of beginning.

herely petition that the zoning status of the above described property be re-classified, pursuant to the
Zoning Law of Baltimore County, from an.....R10.....zone to an.....R6.....zone.
Reasons for Re-Classification: Error in the adoption of Land Use Map of 1955:
.....dimensions of subject property do not permit division of same into lots.....
.....on R.10 basis.....

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 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.

John I. C. Kirby
Marie Louise Kirby
Legal Owners

Address: 1711 Kentz Ave. Lutherville, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this.....31st.....day of
January.....1958, 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 Bal-
timore 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 Reckord Bldg., in Towson, Baltimore County, on
the.....3rd.....day of.....March.....1958, at.....3 o'clock.....P.M.

Zoning Commissioner of Baltimore County

JAN 31 REC

JOHN I. C. KIRBY & MARIE LOUISE KIRBY
1711 KENTZ AVE., LUTHERVILLE, MD. 21050

Eighth Election District of Baltimore County, being bound on the east side by
Franke Avenue, on the south by Spring Avenue, on the west by Kurts Avenue,
on the north by a line running easterly from Kurts Avenue to Franke Avenue,
approximately 332 feet measured North Avenue of the North Side of Spring Ave.

Kurts and Bounds description attached.

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Zoning Commissioner of Baltimore County

"MICROFILMED JAN 31 REC

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

.....the above re-classification should be had.
It is Ordered by the Zoning Commissioner of Baltimore County, this.....day of
.....1958, that the above described property or area should be and the same is
herely reclassified from and after the date of this Order, from a.....zone
to a.....zone.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and
.....it was apparent that there was neither an error in the zoning map when it was adopted
nor have there been sufficient changes in the character of the neighborhood to
warrant the reclassification.

.....the above re-classification should NOT be had:
It is Ordered by the Zoning Commissioner of Baltimore County, this.....day of
.....1958, 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 remain an "R-10"
.....(residential).....zone.

John H. Adams
Zoning Commissioner of Baltimore County

Approved.....County Commissioners of Baltimore County

Date.....By.....President

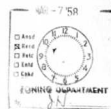
IN THE MATTER OF THE APPLICATION OF
JOHN I. C. KIRBY and MARIE LOUISE KIRBY, his wife
Eighth Election District of Baltimore County
Property located northeast corner of Spring Avenue
and Kurts Avenue, Lutherville
BEFORE
WILFRED H. ADAMS
ZONING COMMISSIONER
OF BALTIMORE COUNTY

APPEAL

MR. COMMISSIONER:

Please note an appeal on behalf of the Applicants in the above entitled
cause and transmit the record of the proceedings to the Board of Zoning Appeals
of Baltimore County.

Walter B. Siviniski
Attorney for Applicants



3/7/58

WILLIAM R. BUCHANAN
ATTORNEY AT LAW
38 W. CHESAPEAKE AVENUE
TOWSON 4, MARYLAND
WALF 9-9550

February 21, 1958

Office of Zoning Com. of Balto. County
111 Chesapeake Avenue
Towson 4, Maryland

Re: #4358
John I. C. Kirby
2/3 of Franke Avenue
2/3 of Spring Avenue
8th District

Gentlemen:

Please enter my appearance for the Lutherville
Community Association on the above captioned case wherein
a petition for reclassification has been filed by
John I. C. Kirby.

Very truly yours,

William R. Buchanan

WRB/jsh

cc: Walter B. Siviniski, Esq.
Edward C. Mackie, Esq.
Mr. W. H. Carroll

OFFICE OF PLANNING

Inter-Office Correspondence

From: George H. Weylitz March 3, 1958

To: Wilfred H. Adams, Planning Commissioner

Subject: Zoning Petition #4358, R-10 to R-6
Property between Kurts and Franke
Avenues from Spring Ave. N.E. 357 ft.
8th election district.

The original intent of the Office of Planning in making its recom-
mendations on this petition was to suggest that it be denied. Staff
inspection of the site, however, suggested a modified position. If
the Zoning Commissioner is inclined to grant the petition after hear-
ing argument for and against, the Office of Planning recommends that
only the Franke Avenue frontage be reclassified to R-6 and that the
Kurts Avenue frontage be retained as R-10.

In making its recommendations for the Zoning Map of the Eighth Dis-
trict, the Office of Planning recognized that this portion of Lutherville
was in a state of flux with respect to lot size and land use.
The vacant area to the west of the subject petition is characterized
by a use which is predominantly R-20 and R-40, but it also has a
sprinkling of R-10 type lots. R-10 zoning was recommended for the
area west of Franke Avenue as a compromise between the dominant pre-
sent use and lot sizes and a reasonable expectation as to how these
properties might not choose to subdivide.

Examination in the field of the subject property leaves the Planning
Staff with a definite impression of the prevalent R-6 character along this
section of Franke Avenue and to the east along Spring and Division
Avenues. However, the same inspection results in as definite an impres-
sion of larger lot character on the Kurts Avenue frontage. In the interest
of an equitable solution to a problem which appears to be one of transi-
tion from an area presently R-6 to an area presently R-20, the Office
of Planning recommends reclassification only of the Franke Avenue front-
age to R-6.

COULD BE RESUBDIVIDED WITHOUT
UNDUE PENALIZING THOSE PROPERTIES
WHICH DID NOT CHOOSE TO RESUBDIVIDE.

GWV:m

March 11, 1958

050.00

RECEIVED of Walter B. Siviniski, Attorney for John I. C.
Kirby and Marie L. Kirby, petitioners, the sum of Fifty (\$50.00)
Dollars being cost of appeal to the County Board of Appeals from
the decision of the Zoning Commissioner denying reclassification
of property at the northeast corner of Spring Avenue and Kurts
Avenue, 8th District.

Zoning Commissioner

February 10, 1958

835.00

RECEIVED of Walter B. Siviniski, Attorney for
petitioner John C. Kirby, the sum of Thirty-Five
(\$35.00) dollars, being cost of petition, advertising
and posting property situate - Spring Avenue and Kurts
Avenue - 8th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED:

Monday, March 3, 1958

Room 108
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RECEIVED
FEB 11 1958
COMPTROLLER'S OFFICE

01.622 - \$35.00

RECEIVED
MAR 11 1958
COMPTROLLER'S OFFICE

1 2 3 4 5 6 7 8 9

The petitioners herein seek to reclassify their property beginning at the northwest corner of Francke and Spring Avenues and running north on Francke Avenue for a distance of 357 feet with an even depth of roughly 263 feet to Kurts Avenue, which parallels Francke Avenue to the west. The higher density zoning requested is from an "R.10" zone to an "R.6" Zone. At the hearing, the petitioners, without objection, abandoned their request for that portion of the tract facing Kurts Avenue.

The evidence in this case does not show a substantial change in conditions in the immediate neighborhood, nor does it show that the subject property was left in a lower density category only because some factor detrimental to the public health, safety or welfare was temporarily present, as was in the Warheim Case. Rather, it indicates that the "R.10" zoning was in the nature of a compromise between those who wanted the area "R.6" zone and those who wanted it "R.20" zone.

Nonetheless, reclassification could still be merited by showing that the original zoning was erroneous. This the petitioners attempt to

The protestants produced a former representative of the Department of Planning, who was of the opinion that the existing "R.10" zoning was proper, especially since the "R.6" homes facing on the east side of Franklin Avenue are widely spaced because their lots are wide and shallow.

After careful consideration, the Board is of the opinion that no error in original zoning exists; further, that there are no factors present which would seriously impair the development of the subject property in its present category.

For the reasons set forth in the foregoing opinion, it is this 18th day of June, 1958, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Agnes J. Agnew
William H. Agnew
Charles Agnew Jr.

February 25, 1958

\$2.00

RECEIVED of Walter B. Sizinaki, attorney for petitioner,
John I. C. Kirby, the sum of Two Dollars (\$2.00) to cover cost
of advertising the property situate on Spring Avenue and Kirts
Avenue, 8th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
FEB 25 1958
COMPTROLLER'S OFFICE

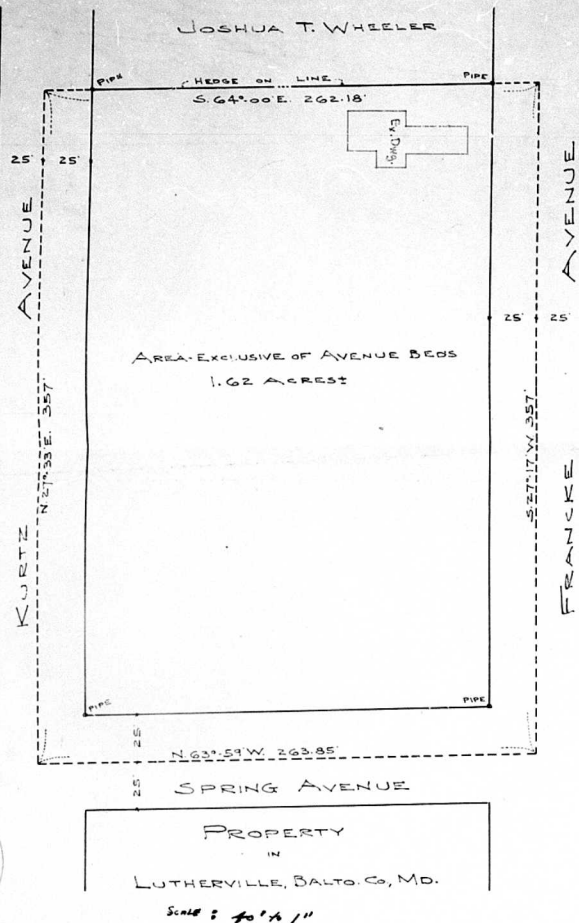
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NOTICE OF ZONING PETITION
FOR RECLASSIFICATION
SIX DISTRICT[illegible]

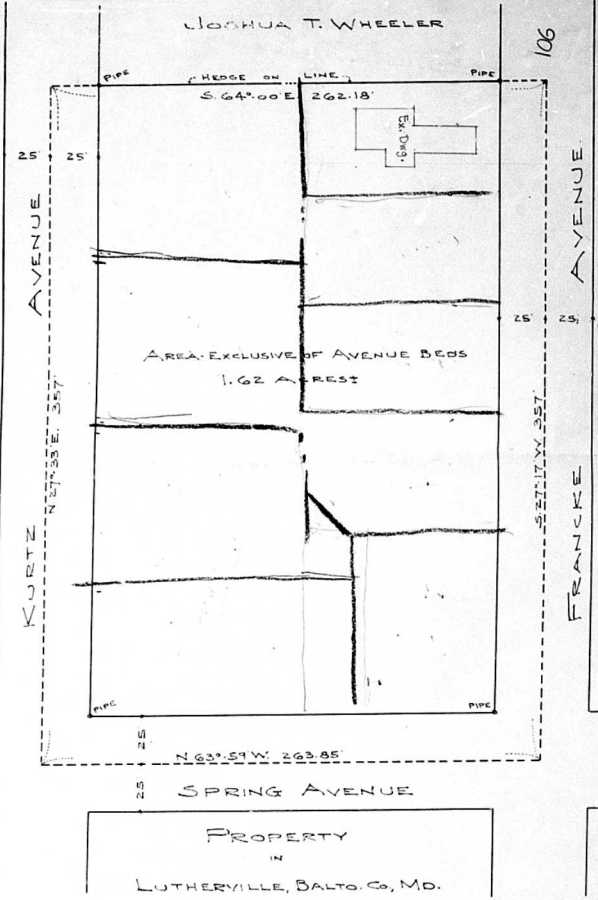
TOWSON, MD., Feb. 21, 1958.

THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 2 successive weeks before the 2nd day of March 1958, the first publication appearing on the 14th day of February 1958.

The UNION NEWS
W. Fenwick Heyzer
Manager. EH



#4358
NEW MAP #9
R-6



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 2-20-58
Posted for: Am. R-60 Zone to Am. R-6 Zone
Petitioner: John L. Kelly
Location of property: Gift of Spring Ave. + Center line of North Ave.
etc. See map
Location of Signs: On corner 75 ft. on N. of Spring Ave. on W. S. of
of North Ave. on N. of Spring Ave. 75 ft. on W. S. of Spring Ave. on the W. S. of
North Ave.
Remarks: See map
Posted by: George J. Shuman Date of return: 2-21-57