

6-19-58

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" Zone and "M-1"
Zone to "M-1" Zone and Special
Exception for Junk Yard and
Service Station - S. W. Side
North Point Boulevard, Bg. 1157
S. E. Morris Lane, 15th Dist.
James H. Cox, Petitioner

REPOSE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 1431-XX

OPINION

This is a petition to reclassify from residential and business categories to manufacturing heavy, with a special exception for a junk yard and service station, a parcel of property located on the southwest side of North Point Boulevard near Morris Lane, in the Fifteenth District.

From the testimony produced by the petitioner at the hearing, the Board does not feel that either an error in original zoning or a substantial change in the neighborhood has been proven. The request for the reclassification is, therefore, denied.

During the course of the hearing, certain evidence was introduced into the record which was of no relevance to this case but was relevant to the existence of nonconforming use on the subject property. This opinion should be read in conjunction with that in File No. 3811, Zoning Violation - James Cox, wherein the evidence introduced in the subject case was, by Order of the Circuit Court for Baltimore County, allowed to augment the evidence in the violation cases.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day of February, 1959, by the County Board of Appeals

ORDERED, that the reclassification and special exception be and the same are hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland

James H. Cox
Charles H. Starnes, Jr.
Mary J. Cox

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" & "M-1" ZONE TO AN
"M-1" ZONE & SPECIAL EXCEPTION
FOR JUNK YARD & SERVICE STATION,
SW/S of North Point Blvd. Bg.
1157 SE of Morris Lane - 15th
Dist. - James H. Cox
Petitioner

REPOSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 1431-XX

Upon hearing on the above petition (1) for reclassification from "R-6" and "M-1" Zone to a "M-1" Zone and (2) for a special exception to use said property for a Junk Yard and Service Station, and it appearing that by reason of location, it is the opinion of the Zoning Commission that this petition for reclassification from "R-6" and "M-1" Zone to a "M-1" Zone is for the purpose of using the property for a Junk Yard and a Gasoline Service Station.

This is contrary to good zoning, to Spot Zone for the use instead of placing the use in the proper zone.

It is, therefore, this 18th day of June, 1958 ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition, the first, for reclassification from "R-6" and "M-1" Zone to an "M-1" Zone and a special exception for a Junk Yard and Service Station, be and the same is hereby denied.

James H. Cox
of Baltimore County

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

To the Zoning Commissioner of Baltimore County:
We, James H. Cox and Myrtle J. Cox Legal Owners

All that parcel of land in the Fifteenth District of Baltimore County, Morris Lane, thence Southwesterly and beginning 115 feet Southeast side of North Point Boulevard, 157 feet, thence South 62 degrees 53 minutes East 302.5 feet, thence North 77 degrees 07 minutes East 150 feet, thence North 62 degrees 53 minutes East 118 feet, thence North 26 degrees 52 minutes East 100.00 feet, thence North 14 degrees 55 minutes East 55 minutes East 60.2 feet, thence North 62 degrees 53 minutes East 100.00 feet to the place of beginning.

(2) For a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for a Junk Yard and Service Station

Property to be posted as prescribed by Zoning Regulations.

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.

James H. Cox
James H. Cox

Myrtle J. Cox
Myrtle J. Cox
Legal Owner

2708 Old North Point Road
Address

*4454
2.2 m.*
Margie & Brennan
825 Eastern Ave.
#21

MAY 9 1959

order D 4901

Certificate Of Publication

ESSEX, MD., May 16th, 1958.

THIS IS TO CERTIFY That the annexed advertisement was published in THE EASTERN ENTERPRISE, a weekly newspaper published in Essex, Baltimore County, Md., once in each of 2 successive weeks before the 4th day of June 1958, the first publication appearing on the 15th day of May 1958.

THE EASTERN ENTERPRISE, INC.
John S. Holden
Office Manager

Mr. William H. Adams, Zoning Commissioner
Baltimore County Office Building
Towson 4, Maryland

Re: Zoning Petition #454 EX
Southwest Side North Point Blvd., Route 151
418' Southeast of Morris Lane

Dear Mr. Adams:

We are sure you are aware of the deplorable condition existing along the subject highway. This condition has been brought about by allowing commercial and manufacturing establishments to run wild with no control levied on the vehicular access.

This office does not oppose the reclassification but does request that should you see fit to approve the reclassification, said approval be made subject to the construction of channelization to the satisfaction of the State Roads Commission.

Thank you for your cooperation.

Very truly yours,

C. Stuart Linnell
Development Engineer

Edward M. Kelly
Ed. Edward M. Kelly
Asst. Development Engineer

cc: Mr. Chaney
Mr. Sterling

STATE OF MARYLAND
STATE ROADS COMMISSION
100 EAST CALVERT STREET
BALTIMORE 3, MD.

May 19, 1958

DEVELOPMENT ENGINEERING DIVISION
ENGINE BUILDING - 30 HENRY PLACE
BALTIMORE 2, MARYLAND

NOTES ON PROJECT:
A. ROAD NO. 151
B. COUNTY OF BALTIMORE
C. DISTRICT OF BALTIMORE
D. SECTION 151
E. SUBSECTION 151-1

of the property situate in Baltimore County, State of Maryland, and described on the reverse side hereof;

hereto petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "R-6" Zone to an "M-1" Zone;

(2) For a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for a Junk Yard and Service Station

Property to be posted as prescribed by Zoning Regulations.

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.

James H. Cox
James H. Cox

Myrtle J. Cox
Myrtle J. Cox
Legal Owner

2708 Old North Point Road
Address

*4454
2.2 m.*
Margie & Brennan
825 Eastern Ave.
#21

BEGINNING for the same on the southwestmost side of the New North Point Road (one hundred fifty feet (150') wide) where the same is intersected by the south sixty-two (62) degrees fifty-three (53) minutes west twelve hundred thirty (1230) feet line of the land which by a deed dated January 23, 1925, and recorded among the Land Records of Baltimore County in Liber W.M.C. 613, folio 39, was conveyed by Anthony Matrizzo and wife to Thomas Caravello and wife, and running thence bounding on said line south sixty-two (62) degrees fifty-three (53) minutes west one hundred twenty-five (125) feet, thence running for a line of division now made south twenty-seven (27) degrees seven (07) minutes east one hundred fifty (150) feet to the northernmost side of a road fourteen and twenty-five hundredths (14.25) feet wide, thence bounding on said road north sixty-two (62) degrees fifty-three (53) minutes east one hundred ninety-two and ninety-five hundredths (192.95) feet to the southwestmost side of the aforesaid New North Point Road, 150 feet wide, said place of beginning also being at the end of the first line of a parcel of land which by a deed dated October 11, 1945 and recorded among the Land Records of Baltimore County in Liber F.J.S. No. 1412, folio 25, was conveyed by Thomas Caravello and wife to James M. Cox and wife and running thence from said place of beginning and running with and binding on a part of said sixth line of the first herein mentioned parcel of land, South 62 degrees 53 minutes west 150 feet, thence leaving said outline and running for a line of division, south 27 degrees 07 minutes east 150 feet to the northwest side of a road 14.25 feet wide, which leads in a northeasterly direction to the New North Point Road, thence binding on the northernmost side of said road, 14.25 feet wide, with the right and use thereof in common with others entitled thereto, north 62 degrees 53 minutes east 150 feet to the end of the second line of the above referred to parcel of land which was conveyed by Caravello to Cox and thence leaving said road and binding reversely on said second line north 27 degrees 07 minutes west 150 feet to the place of beginning. Containing 0.517 of an acre of land, more or less.

BEGINNING for the same at the end of the second line of the land which by a deed dated February 25, 1911, folio 110, was conveyed by The Federal Company to William S. Murray and wife, and running thence bounding reversely on the aforesaid second line south sixty-five (65) degrees eight (8) minutes west one hundred twenty (120) feet, thence running for lines of division now made the two following courses and distances viz, north twenty-four (24) degrees, fifty-two (52) minutes, west one hundred feet and north forty-four (44) degrees fifty-five (55) minutes east one hundred five and four tenths (105.4) feet to intersect the southwest side of the New North Point Road, (one hundred fifty (150) feet wide), thence bounding on the southwest side of said road south forty-nine (49) degrees, fourteen (14) minutes east fifty-one and six tenths (51.6) feet, intersect the third line of the land conveyed as aforesaid by The Federal Company to William S. Murray and wife, and thence bounding reversely on said third line south twenty-four (24) degrees fifty-two (52) minutes east eighty-nine and four tenths (89.4) feet to the place of beginning.

BEGINNING for the same at the end of the second line of the land which by a deed dated February 25, 1911, folio 110, was conveyed by The Federal Company to William S. Murray and wife, and running thence bounding reversely on the aforesaid second line south sixty-five (65) degrees eight (8) minutes west one hundred twenty (120) feet, thence running for lines of division now made the two following courses and distances viz, north twenty-four (24) degrees, fifty-two (52) minutes, west one hundred feet and north forty-four (44) degrees fifty-five (55) minutes east one hundred five and four tenths (105.4) feet to intersect the southwest side of the New North Point Road, (one hundred fifty (150) feet wide), thence bounding on the southwest side of said road south forty-nine (49) degrees, fourteen (14) minutes east fifty-one and six tenths (51.6) feet, intersect the third line of the land conveyed as aforesaid by The Federal Company to William S. Murray and wife, and thence bounding reversely on said third line south twenty-four (24) degrees fifty-two (52) minutes east eighty-nine and four tenths (89.4) feet to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th #4434
Posted for: Ans. 6 Zone to an 8-10 zone at 1110 North Point Blvd. 1st floor
Petitioner: James M. Cox, 1000 1st St. E.
Location of property: S.W. S. of North Point Blvd. 1/4 mi. S.E. of Morris Lane
Location of Sign: Southwest side of North Point Blvd. 500 ft. S.E. of Morris Lane
Remarks: _____
Posted by: George R. Hummel Date of return: 5-22-58

June 19, 1958

\$50.00

RECEIVED of John N. Maguire, Attorney for petitioner, James M. Cox, 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 a reclassification and special exception - Southwest side of North Point Boulevard, beginning 115 feet Southeast of Morris Lane - 15th District of Baltimore County. You will be duly notified of time and date of hearing.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
JUN 19 1958

COMPTROLLER'S OFFICE

01622-7500

May 23, 1958

\$43.00

RECEIVED of Maguire & Brennan, attorneys for petitioner, James M. Cox, the sum of Forty-three Dollars (\$43.00), to cover cost of petition, advertising and posting property situate on the Southwest side of North Point Boulevard, beginning 115 feet Southeast of Morris Lane.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
MAY 23 1958

COMPTROLLER'S OFFICE

01622-7500

4434-R-X
MAP
15-B

