

DAVID MARTIN,
FRANK H. CAMPBELL AND
LEONA C. CAMPBELL
vs.
SPENCER T. ADAMS,
CHARLES SPRITZBERG, JR., and
DAVID WISDOM,
COMMISSIONERS OF THE BOARD OF
APPEALS OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER

This is an appeal by David Martin, Frank H. Campbell and Leona C. Campbell from an Order of the Board of Zoning Appeals, dated January 18, 1960, denying the petition for a special exception for a funeral home at 126-128 Slade Avenue, Pikesville, Maryland. The subject property is presently zoned "R-6".

The Court has reviewed the record consisting of testimony and exhibits and the Board's opinion, from which it is observed, was based on the following: (a) Traffic congestion; (2) increased traffic hazards; (3) that Slade Avenue is not a through street, has a 40 foot right-of-way with a 20 foot paved surface; (4) there are no gutters, curbs or sidewalks and no storm drains; (5) the street lighting is inadequate and parking becomes congested on Slade Avenue when public affairs are held at the Maryland National Guard Armory which is located immediately to the north of Slade Avenue. There is also some indication that the lights on the proposed funeral home would destroy the privacy of adjacent neighbors. The testimony was impressive to the effect that a funeral home on the subject property would create traffic congestion because of the narrow width of the street and its intersection with Reisterstown Road.

This Court is of the opinion that there was no abuse of discretion by the Board. The Order of the Board is, therefore, this 7th day of May, 1960, affirmed.

Following the appeal there was filed on behalf of the property owners a motion to dismiss because of failure to comply with the mandatory requirements of the Annotated Code of Maryland regulating appeals and hearings.

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failed to comply with Article 66 B, entitled "Zoning and Planning", Section 7, sub-section 1 and Section 72, sub-section 1, and Maryland Rules of Procedure and Practice, Rule 1101, entitled "Appeals from Administrative Agencies", Section B-5, all pertaining to the mandatory regulations setting forth the time in which an appeal to this Honorable Court must be made. In view of the Court's conclusion on the action of the Board of Zoning Appeals, it is unnecessary at this time to pass on the question of dismissal.

Judge

John G. Turnbull

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RE: PETITION FOR SPECIAL EXCEPTION
for Funeral Home - N. S. Slade
Avenue 724' and 800' West of
Reisterstown Road - David R.
Martin and Frank Campbell,
Petitioners
vs.
BALTIMORE COUNTY
No. 1456-X
4730-X

OPINION

This is a petition by David R. Martin and Frank Campbell for a special exception for a Funeral Home at 124 and 126 Slade Avenue, Pikesville. The subject property is presently zoned "R-6". Each lot is approximately 72 feet wide by 367 feet deep. It was testified that Mr. Martin will live in the house at 124 Slade Avenue, and a new funeral home building will be erected on the lot at 126 Slade Avenue with a portion of number 124 being used for parking facilities. The property is located in a residential area with the nearest commercial establishments located on Reisterstown Road, approximately 800 feet to the east.

There was considerable testimony by residents of the neighborhood that the granting of this special exception would create traffic congestion and increase traffic hazards. Slade Avenue is not a through street and runs from Reisterstown Road to the Western Maryland Railway right-of-way. The street has a 40 foot right-of-way with a 20 foot paved surface. There are no gutters, curbs or sidewalks on Slade Avenue and no storm drains. The testimony indicates that the street lighting is inadequate and also that parking becomes congested on Slade Avenue when public affairs are held at the Maryland National Guard Armory, which lies immediately to the north of Slade Avenue. A Baltimore County garage is located near the end of Slade Avenue and, according to protestants, large

County trucks and equipment use Slade Avenue in the morning and late afternoon hours. The evidence further revealed that there is no traffic light at the intersection of Slade Avenue and Reisterstown Road and that funeral processions would have difficulty in getting out into Reisterstown Road. The owner and resident at 126 Slade Avenue objected to the proposed funeral home on the grounds that the parking lot and its lights would destroy the privacy of his rear yard.

Mr. George E. Carvelis, Deputy Director of Planning for Baltimore County, stated that he felt a funeral home on the subject property would create traffic congestion because of the narrow width of the street and the intersection at Reisterstown Road.

The Board is of the opinion that the use of the subject property for a funeral home, with its attendant funeral processions and the visits by viewers would tend to create a traffic hazard in the area. However, regardless of the traffic factor, the Board feels that the granting of the special exception requested would be detrimental to the general welfare of the neighborhood in that it would create a commercial inland in a residential neighborhood, and thereby tend to lower the value of vicinal properties.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of January, 1960, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby denied.

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.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John G. Turnbull

John G. Turnbull

IN THE MATTER OF
THE PETITION OF
DAVID R. MARTIN
for a Special Exception
for a Funeral Home,
Slade Avenue, west of
Reisterstown Road,
3rd District

MR. COMMISSIONER:

Please enter an appeal to the County Board of Appeals from your Order in the above matter, dated the 28th day of August, 1959.

John G. Turnbull
24 W. Pennsylvania Avenue
Towson 4, Maryland
Valley 3-1111

View of Office of
Joseph M. Specter

August 27, 1959

Board of Zoning Commissioners
of Baltimore County
111 W. Chesapeake Avenue
County Office Bldg.
Towson 6, Maryland

RE: David R. Martin
N/S of Slade Avenue
Wg. 724'
W of Reisterstown Rd.
Notice No. 1456-X

Gentlemen:

It is my understanding that the above captioned matter which has been heard and a decision rendered on the 29th day of July, 1959, denying a special exception for a funeral home on Slade Avenue has been appealed by the Petitioners.

Inasmuch as I have been retained by some of the Protestants, it would be most appreciated if you would enter my appearance in this matter and notify me as to the time and date this appeal will be heard.

Very truly yours,
Frank Sacks
Frank Sacks

FS:jg

ORDERED by the Zoning Commissioner of Baltimore County
this 9th day of July, 1959,
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 26th day of August, 1959, at 11:00 o'clock A.M.

Zoning Commissioner
of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition to use the property described for a Funeral Home, from the facts and testimony presented at the hearing, it is the opinion of the Zoning Commissioner that this petition should be denied.

Slade Avenue is a narrow dead-end street, 30 feet in width entering on Reisterstown Road. It would create a traffic hazard and constitute a nuisance to the neighbors to permit the requested special exception for a Funeral Home at this location, therefore:

It is this 28th day of August, 1959, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, should be and the same is hereby denied.

John G. Turnbull
Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
PETITION OF
FRANK H. CAMPBELL
LEONA C. CAMPBELL
AND DAVID R. MARTIN
For a Special Exception
To The Zoning Commissioner of Baltimore County

Frank H. Campbell and Leona C. Campbell, Owners
of the property, do hereby petition the Zoning Commissioner of Baltimore County for a Special Exception to use the land (and improvements now or hereafter erected thereon) hereinafter described for a funeral home.

David R. Martin
Contract Purchaser

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1963, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or hereafter erected thereon) hereinafter described for a funeral home.

A lot 75 ft x 366 ft., on the north side of Slade Avenue approximately 800 feet west of Reisterstown Road, known as 126 Slade Avenue. All that parcel of land in the 3rd Election District of Baltimore County on the north side of Slade Avenue beginning 800 feet west of Reisterstown Road; thence westerly and binding on the north side of Slade Avenue 75 ft; thence north 30 degrees 30 minutes west 366 ft. thence north 59 degrees 30 minutes east 75 ft.; thence south 30 degrees 10 minutes east 367 ft. to the place of beginning.

David R. Martin *Frank H. Campbell*
Leona C. Campbell
Contract Purchaser
126 Slade Ave.
126 Slade Ave.

Noting
J. G. TURNBULL 11A M

1-SACK

SEP 9 - 1959

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting 8-13-59
 Posted for: Special Exception for Funeral Home
 Petitioner: Frank & Leona Campbell
 Location of property: 1154 N. Slade Ave. approx. 800' West of Reisterstown Road, 3rd District, Baltimore, Md.
 Location of Signs: None
 Remarks: None
 Posted by: George P. Hume Date of return: 8-14-59
 Signature

#4730

\$30.00

RECEIVED of Turnbull & Brewster, Attorneys for Petitioners, the sum of Thirty (\$30.00) Dollars, being cost of appeal from the decision of the Zoning Commissioner denying a special exception for funeral home, north side of Slade Avenue, 800' west of Reisterstown Road, 3rd District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

9-1059 5532 • • • TIL - 3000
 9-1059 5532 • • • TIL - 3000

01622

March 2, 1960

\$14.00

RECEIVED of John Grassus Turnbull, Attorney for David R. Martin, et al, petitioners, the sum of Fourteen (\$14.00) Dollars, being cost of certified copies of documents filed in the matter of petition for special exception for Funeral Home Slade Avenue, 3rd District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

3-260 1661 • • • TIL - 1400
 3-260 1661 • • • TIL - 1400

01622

TIMORE COUNTY OFFICE OF PLANNING AND ZONING

OFFICE BUILDING
 CORNWALL RD.
 BALTIMORE, MD.
 21201

JOHN M. BELL
 ZONING
 1000

NOTICE OF HEARING

Frank H. Campbell
 Leona C. Campbell
 David R. Martin

Re: N/s Slade Ave. approx. 800' West of
 Reisterstown Rd., 3rd District

TIME: 11:00 A.M.
 DATE: Wednesday, August 26, 1959
 PLACE: Room 106, County Office Building, 111 N. Pennsylvania Street,
 Towson, Maryland

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

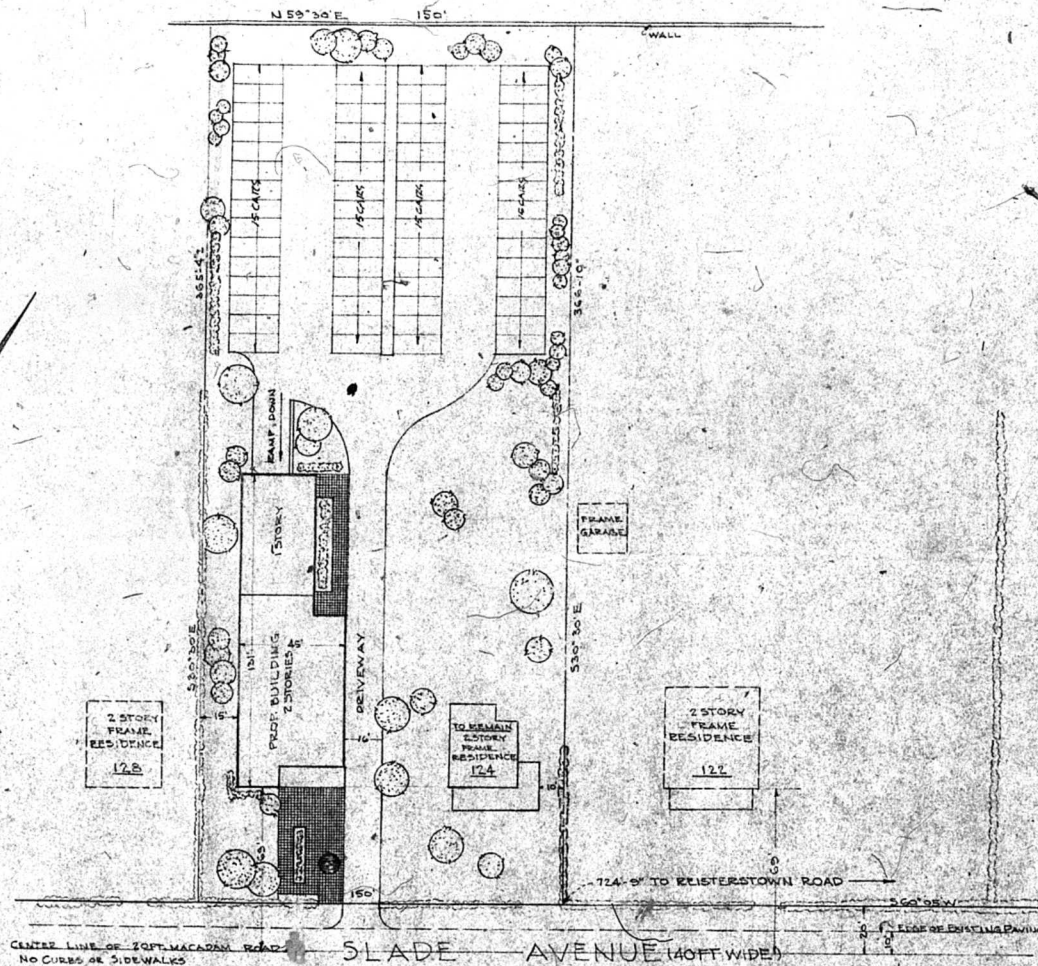
8-425 4044 • • • TIL - 4000
 8-425 4044 • • • TIL - 4000
 Date: August 26, 1959

RECEIVED of: Turnbull & Brewster
 LOCATION OF PROPERTY: see above
 AMOUNT: \$40.00

01622 # 4000

Zoning Commissioner
 of Baltimore County

STATE OF MARYLAND
NATIONAL GUARD ARMORY



NOTES

ELECTION DISTRICT 32D
AREA OF PROPERTY 512,102 SQ. FT.
EXISTING USE OF PROPERTY RESIDENTIAL
PROPOSED USE OF PROPERTY FUNERAL HOME & LIVING QUARTERS
PRESENT ZONING
PROPOSED ZONING

PROPERTY OF DAVID R. MARTIN PIKESVILLE, BALTIMORE COUNTY, MD		DATE 1-20
BY BACHARACH & BACHARACH ARCHITECTS & ENGINEERS 1006 KELLY AVE. BALTIMORE 9, MARYLAND		SCALE A.F.D. SHEET PLB DATE 6-15-55 DRAWING FOR 40-A-P-2