# 4759 RX PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION MAPV XX

To the Zoning Commissioner of Baltimore County:

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hereby petition (1) that the soning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-5 Zone to an R-10 Zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for a trailer park

Property to be posted as prescribed by Zoning Regulations.

I, or 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 Claud H Hatter

Kituck & Barry Patrick V. Parry

1928 Pastfield Road Faltimore 22, Maryland

Address ZONING PE Harry 1:00 6

ORDERED by the Zoming Commissioner of Bultimore County

September 19 59 lst 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 Counissioner of Baltimore County, Maryland, on the 7th 

P. H.

Zoning Commissioner of Baltimore County

#4759 RX

Upon hearing on the above pritise (1) for weckselfication from an \$8.6.7 Zone to an \$2.00 Zone and (2) for special exception for the price of the locality imported not being detriemtally affected, the reclassification and special exception should be practed, therefore

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of Linwood of Linwood

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BALTMORE COUNTY, MAINLAND No. 0936 TELEPHONE OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND Messrs. Booms & Ellicott, 305 West Pennsylvania Avenue, Towson b, Md. BILLED Zoning Department of Baltimure County 113 County Office Bldg., Towson h, Md. TH UPPER SECTION AND RETURN WITH YOUR RESITTANCE Cost of certified documents filed in the mattr of special exception for Trailer Park - Lincoln Ave. 120' N. Lincoln Ave. 8.00 00.8 4--860 2942 \* \* \* TIL-IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF PUBLIC SERVICES

From \_George R. Lewis October 6, 1959 To ... Wilsie H. Adams Subject Zoning Petition #1759 RX
Subject Zoning Petition #1759 RX
Rezoning and Special Exception for
Trailer Fark - Lincoln Avenue near
Linwood Avenue
15th District - Lincoln #M.

The subject Trailer Park has been presented to the Joint Subdivision Planning Committee for comment under date of September 2h, 1959.

Attacled herewith is a copy of those minutes. It is requested that any approval of the rening be made subject to final approval of a plan to conform to the requirements of Baltimere County indicated in the attached comments.

Genza K Sim

ce: Mr. Stirling

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

NOTICE OF HEARING Mr. & Mrs. Claude Walter 2909 Ritchie Avenue Baltimore 19, Md. Beg. at a point 120' N orth of Linwood Ave. centerline of Lincoln Ave. Claude & Louise Walter--Petitioner 15th District TDE: 1:00 P.M. DATS: Wednesday, October 7, 1959 PLACE: \_\_Room\_106. County\_Office\_Building.\_111.W.\_Chesapeake\_Syenue\_\_\_\_ Towson, Maryland Zoning Commis toner of Baltimore County

PAID - Estimore County, Md. - Office of Rames

9-1659 5751 . Date: 12/16/52 4000 RECEIVED of: John 3459 5751 . . ILLunno LOCATION OF PROPERTY: see above AMOUNT: \$40.00

Dln 21 X 40.00

Zoning Commissioner of Baltimore County

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BOARD OF APPRALS FOR

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MEDICAL APPROXIMENT

The property fermived in this sening appeal is sound R-6. to eated that the property be ruclescified to E-10, in which some rks are paralited if woming activarities great a special exception ing Mourd denied the real aggiftlation and special acception sought. It is well settled that the power of the Smirt to review the settler of the loning board is warr restricted and limited. The Court carnot wontitude its interest for test of the respe, but over month the entire of the found ing of such an actual and legal nature that a recleptification much be proper. In the area where the subject property is located the soning is meetly 2-5, and there is no evidence in the record which would indicate that this was a mintage on the part of the original secure. The is also enear that there here team to charges in the area witch would ed the matter ably and with wigner, but this Grows cannot substitute judgment for that of the Lordey fourt, and the conjusts answer to the lants is found in the case of juips we. Inlie, 217 he, 665, where the Court of Ausoale relad that above the sels ourcose of a reclassification wa

a an 3-6 area to a 3-10 area in its convettal character. Beard mat be ATT DATE.

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The property interved to take making appeal is could had. The Appellants asked that the property be reclearly as to RelD, in which some trailer parks are paralited if posting activarities grant a special exception. The Soulag Board denies the realwarification and special unception arought. It is well settled that the power of the Court to review the settlen of the Zening heard is very restricted and itsitud. The Total contest monthbuts the judgment for test of the rears, but next specify the person of the france if there is any credition writeres upon trains the Smart based its declator. it is well established that a property content one assis to have his land religiously senot, or that there have test charges after the original sonproper. In the area warre the subject property is located too content to predominantly 2-0, and there is no evidence in the record when would inclears that this was a statete on the cart of the subgical secure. The record is else clear that there have tage no charges in the area which sould meritations to arrears a realisantification. The entrance several section Signal residential construction in N.C sours. Conselfor the ippoliants one argued two matter obly said with offers, but this flow's carried authorithms

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Appellants to found in the case of gains we taken 257 be only score the

Court of Appeals roled that above the sole corporated a reclassification was

· MICROFILMED

to pave the way for the granting of a special asseption, there had to be a clear structure of changes to a none where the proposed use could be pomitted. In other words, before the Appallant one obtain a special esoption for a trailer park, he must have the B-6 property remement H-10, end in order to do that he must show that the area in question has changed from an S-6 area to a S-10 area in the executial character. Unfortunately for the Appellant here he sameet in us, and the decision of the Heming Sourd met be MY DATE.

May 25, 1960

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

#4759 RX

Nr. 4 Mrs. Claude Malter 2707 Eitchie Aversa 2909 Eitchie Avenue Baltimore 19, Md.

Re: Beg, at a point 120' W orth of Linwood Ave, centerline of Lincoln Ave, Claude & Louise Walter--Petitioner 15th District

TRE: 1:00 P.M. DATE: Wednesday, October 7, 1959

PLACE: Boom 106, County Office Building, 111 W. Chesapeake Avenue Towson, Maryland

Zoning Commissioner of Baltimore County

PAID - Echimore County, Mrs. - Office of Flaunce

9-1659 5751 . Date: 102/36/52 4000 RECEIVED of: John Jan 5751 . . IXL-40.00

TOTATION OF PROPERTY. See above AMCUNT: \$40.00

01621 8 40.00

Zoning Commissioner of Baltimore County

MICROFILMED

RE: PETITION FOR RECLASSIFICATION :
AND SPECIAL EXCEPTION FOR
TRAILER PARK On Lincoln Avenue :
120 feet N. Linwood Avenue,
15th District - :
Claude and Louise Walter,

Petitioners

BEFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No.4759-RX

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## OPINION

The petitioner herein seeks to reclassify an unimproved tract of land, approximately 5½ acres, from an "R-6" classification to an "R-10" Zone with a special exception for a railer park. It was testified that a small trailer park presently exists in a nonconforming use status directly across the street from the subject property.

A substantial number of residents in the neighborhood objected to the proposed reclassification and special exception on the grounds that it would increase traffic congection, overcrowd existing schools and depreciate the value of their homes.

There was testimony to the effect that there had been no change in the reighborhood except the building of many new homes in the area. Mr. George E. Gavrelis, Deputy Director of Flanning for Baltimore County stated that the Office of Flanning had taken no position on this petition. He further stated that an area of two miles around the subject property is predominantly #R-6\* in character.

The Board feels that no evidence was presented to show an error in original zoning of this property or that there had been a substantial change in the neighborhood. We are further of the opinion that the granting of a special exception for a trailer park would be detrimental to the general velfare of the locality involved in that it would depreciate

vicinal property values, would tend to create congestion in roads and streets therein, and would create an immediate adverse affect on the school familities as contrasted to the gradual changes resulting from normal residential development.

For the reasons set forth above the petition 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.

## ORDER

It is this \_\_\_\_\_\_\_ day of January, 1960, by the County
Board of Appeals, ORDERED that the reclassification and special exception
sought is hereby denied.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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