

PETITION FOR ZONING RE-CLASSIFICATION, 5428 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank Hollyburton & Fannie Hollyburton, the legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an B-1 zone, for the following reasons: That the neighborhood has changed, that there are business commercial property in this same block and within a short distance of this property, also the property on same street, opposite this property is zoned commercial.

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or 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.

M. J. Cohen

Contract purchaser

Equitable Bldg Baltimore 2 Md

Address _____

Frank E. Hollyburton

Fannie Hollyburton

Legal Owner

Address 4312 Leeds Avenue

Baltimore 2 Md

Moses Davis

Petitioner's Attorney

Address 902 Tower Bldg

Baltimore 2 Md

Le-9-917

ORDERED By the Zoning Commissioner of Baltimore County, this 24th day

of October, 1961, 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 be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 13th day of December, 1961, at 10:00 o'clock

A.M.

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OFFICE OF PLANNING AND ZONING

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5428

FRANK E. HOLLYBURTON
W/S LEADS AVE. 520' S OF BEECHFIELD
13th

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

the above Reclassification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1961, that the herein described property or area should be and

the same is hereby reclassified; from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is

granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, insufficient evidence to prove an outcrop in the 13th District Land Use Map adopted on June 2, 1959 and that there have not been sufficient changes to warrant the zoning,

the above re-classification should NOT BE HAD, and the same is hereby DENIED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day

of December, 1961, that the above re-classification be and the same is hereby

DENIED and that the above described property or area be and the same is hereby cor'dued as and

to remain a B-6 zone; and the same is hereby cor'dued as and

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RE: PETITION FOR RECLASSIFICATION : BEFORE
from an "R-6" Zone to a "B-1" Zone, : COUNTY BOARD OF APPEALS
W.S. Leeds Avenue, 520' south of : OF
Beechfield Avenue - 13th District : BALTIMORE COUNTY
Frank E. Hollyburton, et al - : No. 5428
Petitioners

OPINION

The petitioners herein seek to reclassify from "R-6" to "B-1" Zone a tract of land of approximately 3.75 acres on the west side of Leeds Avenue, 520 feet south of Beechfield Avenue in the 13th District of Baltimore County. The subject property has a frontage on Leeds Avenue of approximately 249 feet.

There are semi-detached homes adjacent to this property on the north and individual residences to the rear and on the south side. The subject property is now used as a residence.

The only witness who testified in this case was the petitioner, Mr. Frank E. Hollyburton. He stated that the only change in the neighborhood was a reclassification of a small piece of land approximate 200 feet from the subject property. All uses on the opposite side of Leeds Avenue antedate the adoption of the Land Use Map. No testimony was presented to the Board which would warrant reclassification on the basis of error in the map.

The attorney for the protestants in this case moved that the Board render a directed verdict denying the petition. The Board sustained this motion.

It is the unanimous opinion of the Board that the reclassification sought should be denied as there is insufficient evidence to warrant reclassification of the subject tract on the basis of the one change that was mentioned. There was no evidence as to any error in the map.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of October, 1962 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Hughes
CHAIRMAN

G. Mitchell Austin

Charles H. Stankoff

BALTIMORE COUNTY, MARYLAND		INVOICE		No. 9781	
OFFICE OF FINANCE		Division of Collection and Receipts		DATE 12/11/61	
COURT HOUSE		TOWSON 4, MARYLAND			
To: <u>Moses Davis, Esq.</u>		BILLED BY: <u>Zoning Department of Baltimore County</u>			
902 Tower Building					
Baltimore 2, Maryland					
DEPOSIT TO ACCOUNT NO. <u>01622</u>		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		TOTAL AMOUNT <u>\$93.00</u>	
QUANTITY		COST			
Advertising and posting of property for Frank Hollyburton		93.00			

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 6-20-62
 Posted for: George H. Hallyburton, et al.
 Petitioner: Frank G. Hallyburton, et al.
 Location of property: 445 Leola Ave. 520 ft. S. of Beachfield Ave.
W. 1/4 Sec. 4, Trussess 4312, Subd. 4411
 Location of Signs: front on property, corner of 4312 Leola
Avenue
 Remarks: George H. Hallyburton, et al.
 Posted by: George H. Hallyburton, et al. Date of return: 6-21-62

RECLASSIFICATION
13TH DISTRICT
ZONING: From R-4 Zone to B-1 Zone.
 LOCATION: West side of Leola Avenue 520 feet South of Beachfield Avenue.
 DATE & TIME: WEDNESDAY, DECEMBER 13, 1961 AT 10:00 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
 Concerning all that parcel of land in the Thirteenth District of Baltimore County.
 BEGINNING for the same on the northwest side of Leola Avenue at the beginning of the second line of a parcel of land described in a deed from Charles E. V. Myers and wife to John Truss and wife dated April 17, 1907 and recorded among the Land Records of Baltimore County in Liber WPC No. 313 Folio 122, thence along a portion of the second line and bounding on the northwesterly side of Leola Avenue south 40 degrees 25 minutes 25 seconds west 249.25 feet to a parcel of land described in a lease between J. Truss and wife and William Klein and wife dated November 14, 1938 and recorded in the Land Records aforesaid GLB Jr. No. 1046 Folio 425, etc. thence binding on the fourth line of said parcel reversely, north 49 degrees 34 minutes, 35 seconds, west 125.0 feet thence binding on the 3rd line of said parcel and parallel to Leola Avenue, south 40 degrees 25 minutes 25 seconds, west 83.35 feet to intersect the third or north 55 1/4 degree west 582 1/2 feet line described in a deed Myers to Truss above referred to thence binding on a portion of a line north 59 degrees 49 minutes, 35 seconds west 237.07 feet to the end of the fifth line of a parcel of land described in a confirmatory deed from J. Truss and wife to J.S. Farley dated Sept. 24, 1933, and recorded among the aforesaid Land Records in Liber GLB, Jr. No. 2364 folio 90 thence binding reversely on the fifth, fourth and third and part of the second lines of last mentioned parcel north 2 degrees 34 minutes 15 seconds east 346.12 feet to the northerly side of a ten foot right of way thence north 63 degrees 47 minutes 20 seconds west 137.47 feet to the center of an open stream bed thence along said stream north 7 degrees 15 minutes 18 seconds west 118.70 feet thence north 00 degrees 21 minutes 30 seconds east 32.42 feet to the point where the easternmost line of lot 4 block 7 as shown on a plat of Ridgewood rd. recorded among aforesaid Land Records in Plat Book WPG No. 7 folio 69 intersect the division line between lot 11 and Lot 12, Block 7 on aforesaid plat thence binding on said division line and crossing Virginia Place and among the division line between Lot 4 and Lot 5 Block 6 on said plat south 51 degrees 05 minutes 20 seconds east 200.51 feet to the end of the third line of the parcel of land described in a deed from Truss and wife to Lawrence J. O'Neil and wife, dated August 28, 1949 and recorded among the aforesaid Land Records in Liber TBS No. 1767 folio 526 thence binding reversely on the third, second and part of the first line of the last mentioned parcel south 38 degrees 54 minutes 40 seconds east 110.0 feet, thence south 51 degrees 05 minutes 20 seconds east 120.0 feet thence north 38 degrees 54 minutes 40 seconds east 70.36 feet to the southernmost line of the lot 33 block 6 on aforesaid plat, thence south 63 degrees 47 minutes 20 seconds east 73.36 feet to the southernmost line of the lot 33 block 6 on aforesaid plat, thence south 63 degrees 47 minutes 20 seconds east 41.0 feet crossing Maryland Place to a point where lot 1 block 5 intersects the southernmost side of Maryland Place thence binding reversely on a portion of the fourth line and the third, second line of a description of a parcel of land conveyed by a deed from Truss and wife to Joseph Lindner and wife dated December 22, 1902 and recorded in aforesaid Land Records in GLB No. 2223 folio 223 etc. south 38 degrees 54 minutes 40 seconds west 22.38 feet thence south 51 degrees 05 minutes 20 seconds east 118.30 feet thence north 38 degrees 54 minutes 40 seconds east 48.98 feet to a stone 56 planted at the beginning point of a parcel of land described in a deed from Myers to Truss thence south 45 degrees 25 minutes 04 seconds east 136.75 feet to Leola Avenue the place of beginning.
 Containing 3.735 acres of land more or less.
 Being the property of Frank and Fannie Hallyburton, as shown on plat plan filed with the Zoning Department.
 BY ORDER OF
 JOHN G. ROSE,
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Nov. 24

THE BALTIMORE COUNTY

THE COMMUNITY NEWS
Reisterstown, Md

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

November 27, 19 61.

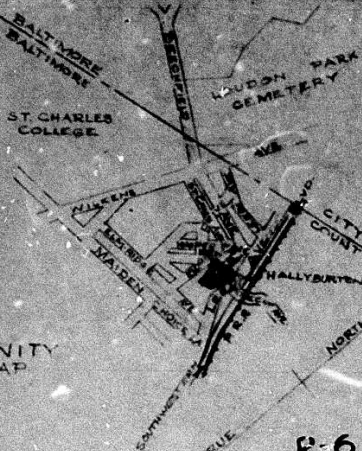
THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTY, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One ~~suggested~~ weeks before the 27th day of November, 19 61, that is to say the same was inserted in the issues of November 24, 1961.

THE BALTIMORE COUNTY

By Paul J. Morgan
 Editor and Manager

VICINITY
MAP



R-6

3.735 A'

N0°-21'-40"E
32.46'

N1°-15'-18"W
118.70'

N63°-47'-20"W
16.47'

12 RESIDENTIAL
BLOCK 7

VA PLACE 40' WIDE

4 5 RESIDENTIAL

BLOCK 6

S38°-54'-40"W
110.00'

RESIDENTIAL

N38°-54'-40"E
48.36'

S63°-47'-20"E 41.00'

MD PLACE 40' WIDE

RESIDENTIAL

STONE F 50

RESIDENTIAL

320' TO
BEECHFIELD AVE

10' IN WALK
BEGIN
CURB TO 4' PAVING
15'

*Invented
BL*

S40°-25'-25"W 83.35'

R-6

N43°-34'-45"W
125.00'

RESIDENTIAL

2.85' E TO CURB

40' R/W

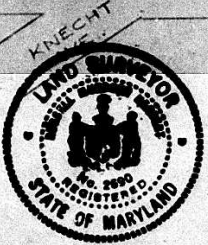
30' BTW CURBS

13 BL 90

LEEDS

AVENUE

50' R/W

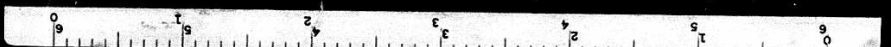


EDWARD V. COONAN & CO.
CIVIL ENGINEERS & SURVEYORS
231 ST. PAUL PLACE
BALTIMORE 2, MARYLAND

APPROVED FOR FILING

Review d By *[Signature]*

Date *10/24/61*



3.735 A'
HALLYBURTON PROPERTY
13TH ELECT. DISTRICT
BALTIMORE CO., MD.
PRESENT ZONING: RESIDENTIAL
PROPOSED ZONING: BL
PROPERTY IMPROVED: AS SHOWN
SCALE: 1" = 80' JULY 3, 1961