

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-L" Zone,
NW/2 Harford Road and NE/2 5th
Avenue - 9th District
Mercantile-Safe Deposit and Trust
Company - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5572

OLD MAP #9
BL

OPINION

The instant case is a petition for reclassification from an "R-6" Zone to a "B-L" Zone on the northwest side of Harford Road and the northeast side of 5th Avenue in the Ninth Election District of Baltimore County.

The Board finds from the testimony that there is ample change in the character of the neighborhood in the instant case to warrant a reclassification as requested by the petitioner. H. G. Quatman, a realtor in development, testified that a reclassification such as requested would in no way adversely affect the neighborhood. Moreover, it would serve to complement those existing uses which are now in use in the subject area.

The Board finds that the protestants contention that a reclassification of the subject property would tend to increase traffic has no merit, and further, the Board finds that the property is not suited for residential purposes. Therefore, the within decision was reached.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of January, 1963 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1109, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

ACTING CHAIRMAN

Note: Mr. Kaufman did not sit at this hearing.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, as Trust Company, legal owner, 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-L zone for the following reasons: to erect a drive-in restaurant

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 reclassification 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.

MERCANTILE-SAFE DEPOSIT AND TRUST
COMPANY, INCORPORATED

Contract purchaser
Address 2505 Carnegie St.
Baltimore, Md.

Petitioner's Attorney

Address
ORDERED BY The Zoning Commissioner of Baltimore County this 27th day of April, 1963, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers 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 108, County Office Building in Towson, Baltimore County, on the 19th day of June, 1963, at 10:00 o'clock.



(over)

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of localities, the safety, health and the general welfare of the locality involved not being detrimentally affected,

the above Reclassification should be had; and it further appearing that no harm will be done to the locality involved,

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of June, 1963, that the herein described property or area should be and the same is hereby reclassified; from an "R-6" zone to a "B-L" zone.

and from and after the date of this order, subject, however, to approval of site plan by the State Roads Commission, Division of Land Development and the Office of Planning and Zoning.

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:

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1963, 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 continued as and to remain a zone, and/or the Special Exception for zone be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

Robert C. Morris, Reg. Surveyor
111 Court Road, Baltimore, Md.

March 26, 1963

Description as lot at the corner of Harford Road and Fifth Avenue

Beginning for the same at the point of intersection of the northwest side of the Harford Road and the northeast side of Fifth Avenue, thence running and binding on the northeast side of Fifth Avenue North 14 degrees 47 minutes west 111.10 ft., thence running North 45 degrees 13 minutes east 200.36 feet; thence running South 75 degrees 12 minutes east 185.0 feet to the northwest side of the Harford Road; thence running and binding on the northwest side of the Harford Road, on a curve having a radius of 421.92 ft. in a southeasterly direction for a distance of 138.60 feet to the point of beginning.

Containing 0.60 of an acre more or less.

Saving and excepting, however, all that part of the above described lot that the heretofore been reclassified to business local.

Robert C. Morris,
Reg. Surveyor No. 759

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John U. Rose, Zoning Commissioner Date: W. June 8, 1962

FROM: Mr. George E. Gavrellis, Deputy Director

SUBJECT: #5572. R-6 to B-L. Northwest side of Harford Road and Northeast side of 5th Avenue. Being property of Mercantile Safe Deposit and Trust Company.

9th District

REMARKS: Wednesday, June 20, 1962 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-L zoning. It has the following advisory comment to make with respect to pertinent planning factors:

1. Examination of the zoning map covering this portion of the 9th District indicates that only the north and south corners of the intersection of 5th Avenue and Harford Road remain zoned for residential purposes. Part of the subject property now is zoned B-L. The Planning staff is not in accord with ribbon commercial development, but feels that the facts dictate creation of commercial zoning here.

LAW OFFICES
AGNEW AND HENNEGAN
SOUTH COURT HOUSE SQUARE
TOWSON 4, MARYLAND

July 17, 1962

John G. Rose, Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Case #5572. In the Matter of the Petition of Mercantile-Safe Deposit & Trust Company, Trustee, et al. - Reclassification R-6 to B-L - Harford Road and Fifth Avenue - 9th Election District

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals from your Order of June 20, 1962, allowing the above entitled reclassification.

Attached hereto is check in the amount of \$70.00 to cover costs of same.

Very truly yours,

Spiro T. Agnew

STA:mf
Encl.

A. Owen Hennegan, Jr.
Atty. 5.00
Clerk 7.50

Witness: Markham
Scribbles Markham

James D. Nolan

ROBERT E. KONITZEN, SR.,
and MARY C. KONITZEN, his wife

2714

NATHAN H. KAUFMAN, JR.
E. MICHAEL BOSTIN, and
CHARLES STEINBOCK, JR.
constituting the BOARD OF
ZONING APPEALS OF BALTIMORE COUNTY

April 9, 1964 Decision of the Board of Zoning Appeals of Baltimore County affirmed.

- (1) Feb. 28, 1963 Protestant's Order for Appeal from the decision of the Board of Zoning Appeals of Baltimore County rec'd and fd. App. of A. Owen Hennegan, Jr. for the Protestants.
- (2) Feb. 28, 1963 Protestant's Petition fd.
- (3) Mar. 7, 1963 Certificate of Notice fd.
- (4) Mar. 29, 1963 Plaintiff's petition for extension of time to file records and Order of Court fd.
- (5) May 15, 1963 Answer to Appeal, Transcript of Record and Testimony fd.
- April 9, 1964 Hon. John Grason Turnbull presiding. Hearing had.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Tolson, Maryanne #5574

Date of Posting: 5-23-62

Posted from: 9-26
To: B-6 zone to am B-6 zone
Petitioner: [unclear] wife of [unclear] + family
Location of property: M.W.S. of Hayford Rd. N.E. E.S. of S.E. Ave.
E.H. Park
Location of Signs: Station on M.W. corner of Hayford Road and
Fifth Avenue
Remarks:
Posted by: George R. Hummel
Date of return: 5-24-62

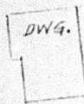
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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Cost of Advertisement, \$



Robert C. Norris, Reg. Surveyor
Old Court Road, Balto. # 7, Md.

