

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#5607-X
MMP
#13
SEC. 2-A
3-A
"X"
7/6/62

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
G. Truman Schwab and
Korwell, Schwalbe, J. Schwab, 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 _____ zone to an _____ zone; for the following reasons:

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

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.

Contract purchaser
Address
Spro T. Agnew
Agnew and Hennegan
Petitioner's Attorney
406 Jefferson Building
Address Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out 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 _____ day of _____, 1962, at 1:00 o'clock.



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Funeral Home : COUNTY BOARD OF APPEALS
6/5 Baltimore Avenue, S.E., : OF
corner Second Avenue : BALTIMORE COUNTY
13th District :
G. Truman Schwab et al, :
Petitioners : No. 5607-X

OPINION

The petitioners herein applied for a special exception to permit the operation of a funeral establishment in a frame house located on the southeast corner of Second and Baltimore Avenues, Landsdowne.

The size of the lot, numbered 101 Second Avenue, is 50 x 100 feet, and is improved by a two story frame dwelling and a garage. The property is now being used for two apartments.

The petitioners testified that they plan to have one viewing room on the first floor and continue to rent the second floor apartment. They stated they will not do any embalming at this site as they operate another funeral home in Baltimore City. They said they plan to demolish the present garage on the property, thus allowing off-street parking space for five cars.

The protestants contend that the granting of the special exception requested would create traffic hazards on the 24 foot wide streets and that the use of the property for commercial purposes would lower the value of their homes. They stated that several schools and churches were located in the vicinity and also that the majority of the residents must park their cars on the streets due to the fact they have no driveways or garages.

Mr. Edward F. Butler, traffic investigator for Baltimore County, testified that 1st and 2nd Avenues became one-way streets in May, 1961 and that there was a need for one-way operation because of the traffic. Parking is permitted on only one side of 2nd Avenue.

The Board is of the opinion that the petitioners have not met the burden of proof in meeting the requirements of Section 502.1 of the Zoning Regulations. There is little doubt that the operation of a funeral home would create a substantial increase in the traffic pattern for the area, both as to movement and parking of vehicles. Furthermore, the Board believes that the use of a 50 x 100 foot lot for a funeral home in a residential neighborhood would be detrimental to the general welfare of the locality involved. The

Description #101 2nd Avenue
Landsdowne, Baltimore County, Maryland

May 11, 1962

Beginning for the same at the intersection formed by the East side of Baltimore Avenue, 50 feet wide, and the South side of Second Avenue, 50 feet wide; running thence and binding on the South side of Second Avenue Easterly 50 feet; thence Southerly and parallel to Baltimore Avenue 100 feet; thence westerly and parallel to Second Avenue 50 feet to the East side of Baltimore Avenue; thence binding on the East side of Baltimore Avenue 100 feet to the place of beginning.

Being lots #273 and 274, Section 2, as shown on a Plat of "Landsdowne" recorded in Baltimore, County Maryland in Plat Book #1 folio # 49.

Improvements thereon being known as #101 Second Ave. Ave.

G. TRUMAN SCHWAB
6/5 of Balto. Ave. & S/D of 2nd Ave.
13th

#5607-X

Board also took into consideration the fact that the petitioners had no definite plans for remodeling the present structure to permit its use as a funeral home and an apartment.

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ day of May, 1963 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 Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Chairman
Member

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
FOR FUNERAL HOME - E.S. Baltimore : COUNTY BOARD OF APPEALS
Ave. S.E. Corner, Second Ave., 13th : OF
Dist. G. Truman Schwab and : BALTIMORE COUNTY
Liselotte J. Schwab, Petitioners : No. 5607-X

The petitioners in the above matter seek a special exception for a Funeral Home at the southeast corner of Baltimore Avenue and Second Avenue, in the Thirteenth District of Baltimore County.

From the facts presented at the hearing the granting of the special exception will not be detrimental to the health, safety and the general welfare of the locality involved.

It is this _____ day of July, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception for a Funeral Home should be and the same is granted, from and after the date of this Order, subject to compliance with the following restrictions:

1. That the first floor only of the dwelling may be used for a viewing parlor.
2. No embalming shall be permitted on the premises, and
3. Sidewalks must be constructed on Baltimore Avenue and Second Avenue before the premises may be used for a Funeral Home.

Zoning Commissioner of
Baltimore County



August 10, 1962
Baltimore, Maryland

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

Re: G.T. Schwab Funeral Home Application
for Special Exception at 101 Second
Avenue, Landsdowne 27, Maryland.

Dear Mr. Rose:

I would like to request that you enter an appeal from your decision of July 17, 1962 in the matter described above. Enclosed is a check in the amount of \$ 70.00 (Seventy dollars) to defray expense of this action.

Very truly yours,

Robert L. Shroy

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 6, 1962
FROM: Mr. George E. Gavrillis, Deputy Director

SUBJECT: #5607-X. Special Exception for Funeral Home, Eastside of Baltimore Avenue and Southside of 2nd Avenue. Being property of G. Truman Schwab.

13th District

HEARING: Monday, July 16, 1962 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a Funeral Home. It has the following advisory comment to make with respect to pertinent planning factors:

1. It is the understanding of the staff that the petitioner proposes to utilize the Funeral Home for not more than one funeral service at any given time. He proposes 5 off-street parking spaces. The petitioner should show clearly that the property and the number of parking spaces to be provided are adequate to handle traffic generated by his proposed use and that either the forming of funeral processions or the number of visitors which could be anticipated for the largest funeral would not spill over traffic or parking-wise onto Baltimore Avenue or 2nd Avenue.

George E. Gavrillis
Deputy Director of Planning



PETITION FOR A ZONING SPECIAL EXCEPTION AND A VARIANCE

1st District

ZONING: Petition for a Special Exception for a Used Car Lot Petition for a Variance to the Zoning Regulations of Baltimore County to permit a sale and lease of 10 lots instead of the required 30 lots.

LOCATION: Northwest side of Baltimore National Pike and the northwest side of Johnsyoke Road.

DATE & TIME: MONDAY, SEPTEMBER 10, 1962 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 S. Chesapeake Avenue, Towson 4, Maryland.

The Zoning Regulations to be excepted as follows: Section 232.3 Side and rear yards - 20 feet.

The Zoning Commission 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 First District of Baltimore County.

Beginning for the same at a point on the northwest side of Baltimore National Pike (also known as Edmondson Avenue Extended), as called for in the Deed from British Consul, to Samuel D. Porpora, dated November 14, 1961 and recorded among said Land Records in Liber W.J.H. No. 3923, Folio 481, where said north-

west side of Baltimore National Pike is intersected by the southeast side of Johnsyoke Road, an widened to 60 feet and shown on the plat attached to and made part of the Deed from British Consul, to Baltimore County Maryland, dated November 8, 1959 and recorded among said Land Records in Liber W.J.H. No. 3483, Folio 54, and running thence along said southeast side of Johnsyoke Road, (1) northwesterly 84 feet, more or less, to a point

in the line of the said first line referred to, thence - 7th a part thereof, (2) S. 72 degrees 24' W., 34 feet, more or less, to the

for a line of division, (3) S. 15 degrees 40' E., 100.66 feet to the northwest side of Baltimore National Pike here-

in referred to and to the beginning of the last line of said first mentioned land, and thence, binding on said

northwest side of Baltimore National Pike and on a part of said last line, (4) N. 29 degrees 35' E., 140 feet, more or less, to the place of beginning.

Being the property of The Varsity Drive-In, Inc. as shown on plat plan filed with the Zoning Department.

By Order Of John G. Rose, Zoning Commissioner Of Baltimore County

August 24

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Baltimore, MD.

THE HERALD - ARJUS
Catonville, MD.

No. 1 Newburg Avenue

CATONVILLE, MD.

August 27, 1962

THIS IS TO CERTIFY, that the annexed advertisement of *John H. Rose, Zoning Commissioner of Baltimore County* inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for *one week*, 1962, that is to say the 27th day of August, 1962, that is to say the same was inserted in the issues of August 24, 1962.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District *13th*

Date of Posting *2-3-63*

Posted for *Special Exception for Journal Home*

Petitioner: *J. Truman Schaub, et al.*

Location of property: *E/S Baltimore Ave., S.E. Cor. Second Avenue*

Location of Signs: *1st Second Avenue*

Remarks:

Posted by *[Signature]*

Date of return *2-21-63*

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 12933

DATE *7/16/62*

5607

TO: Messrs. Agnew & Hanesagan
106 The Jefferson Building
Towson 4, Md.

BILL: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property for J. Truman Schaub	35.00
		35.00

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.

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 12978

DATE *8/13/62*

TO: Mr. Robert L. Stume,
32 2nd Ave.
Lanham, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.

REPORT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal to County Board of Appeals <i>5607</i>	870.00
		870.00

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.

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 11682

DATE *5/22/62*

TO: Messrs. Agnew & Hanesagan
The Jefferson Building
Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	01.622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for J. Truman Schaub	50.00
		50.00

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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Being the property of The Varsity Drive-In, Inc. as shown on plat plan filed with the Zoning Department.

By Order Of John G. Rose, Zoning Commissioner Of Baltimore County

CERTIFICATE OF PUBLICATION

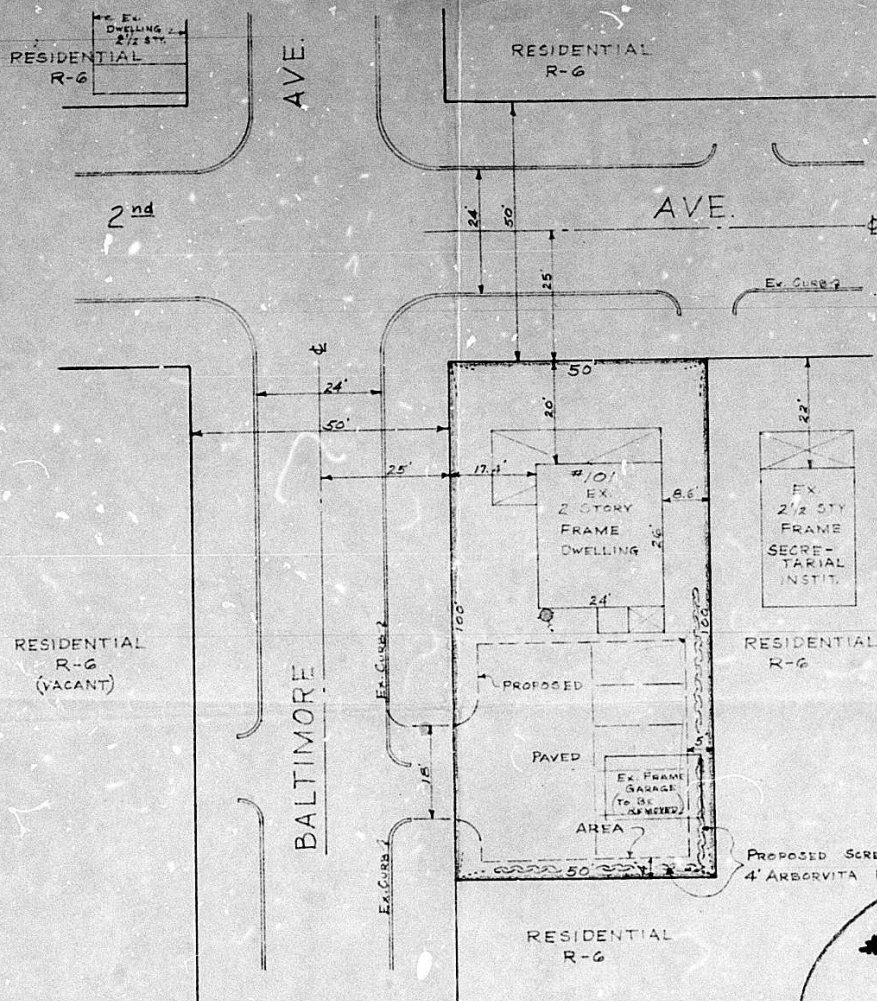
BALTIMORE COUNTY, MD. August 24, 19 62

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 10th day of September, 19 62, the last publication appearing on the 23rd day of August 19 62.

THE TIMES.

John M. Martin
Manager
John M. Martin

Cost of Advertisement \$ 25.00
Purchase order- R 8532
Registration no. N 2513



PRESENT ZONING — R-6
 PROPOSED ZONING — R-6 S.E.
 AREA OF PROPERTY — 5000 SQ. FT.
 BEING LOTS #273 & 274, SECTION 9
 OF PLAT ENTITLED "LANDSDOWNE",
 RECORDED IN BALTO. CO., MD. IN
 PLAT BOOK 1 FOLIO 49.

⊙ PROPOSED LIGHT ATTACHED TO
 BUILDING AT HEIGHT OF 10 FT.

PROPOSED PARKING DATA:
 BLDG. 1248 SQ. FT. FL. AREA
 ONE PARKING SPACE — EACH 300 SQ. FT.
 PARKING SPACES REQUIRED ~ 5
 PARKING SPACES PROPOSED ~ 5
 PARKING SPACES ~ 8.5' x 18'

ZONING PLAT
 "101 SECOND AVE.
 "LANDSDOWNE"

BALTO. COUNTY, MD.
 SCALE: 1" = 20'

ELECT DIST. # 13
 MAY 10, 1962

George William Stephens, Jr.,
 and Associates, Inc.
 Engineers
 5 McCurdy Avenue,
 Towson, 4, Maryland

#5607-X

MAP
 #13
 SEC. 2-A
 3-A

