

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an "R-6" Zone to a "B-1" Zone,
W/S Annapolis Road opposite : COUNTY BOARD OF APPEALS
Hoffman Avenue : OF
13th District : BALTIMORE COUNTY
James L. Billings, et al, :
Petitioners : No. 5631

OPINION

This is a petition of James L. Billings for reclassification from an "R-6" Zone to a "B-1" Zone of property located on the west side of Annapolis Road opposite Hoffman Avenue in the Thirteenth District of Baltimore County.

Mr. James L. Billings, with wife Mildred, purchased the subject property October 20, 1958. At the time of the adoption of the Land Use Map for this area on June 2, 1959 by the County Council of Baltimore County, this property was colored green on the map showing public owned property. This, of course, was an error and at a later date the property was placed in its present "R-6" classification.

The location of this property is unique. To the north is property zoned "M-1" where one finds a plastic plant and a cinder block operation, and east of the property a new building housing a paper box manufacturing company. Across the Annapolis Road, some sixty feet in width, and just a slight distance to the north is "B-1" property on which is located the Rhapsody Club. To the west and south of the subject property is public land which is to be used for the Patapsco Park project. East of the property and a slight distance south are 52 homes built some fifteen years or more located on Hoffman Avenue and Marshall Road. There were no changes in the area presented in evidence to the matter of reclassification depends entirely on the error in the Land Use Map.

The "B-1" Zoned property on which the Rhapsody Club operates was zoned "Commercial" on the map prior to the adoption of the new map in 1959. It would seem that this "B-1" was the only zoning available to the County Council unless they wished to down grade the zoning of this property. The "M-1" Zone to the north was a logical zone considering the new Beltway that was constructed. The fact that no other property in this entire area was given commercial zoning seems to indicate that the County Council wished to give as much protection as possible to the 52 homes on the east, as well as to the public land to the south and west. The Board is unanimous in its opinion that the petitioner has failed to show sufficient error to warrant the reclassification which this petition seeks.

Description of that certain parcel of land located on the westerly side of Annapolis Road opposite Hoffman Avenue, District 13, Baltimore County, Maryland.

Beginning for the same at a point in Annapolis Road at the end of the second or south 01°31' east 317.25 foot line in a deed dated October 20, 1953 which was granted and conveyed by Gilbert Marsh to al to James L. Billings and Mildred L. Billings, his wife, recorded among the Land Records of Baltimore County in Liber O.L.B. 3435 folio 652, thence binding on the third line of the aforesaid conveyance and on the center line of Annapolis Road north 01°19'22" west 150 feet to a point, thence binding on part of the last line or the north 01°31' east 317.25 foot line of the aforesaid conveyance, and passing over an iron pipe heretofore set on the westerly side of Annapolis Road north 88°31'40" west 24.69 feet, thence continuing the same course north 88°31'40" west 80 feet to an iron pipe heretofore set at the end of the fourth or north 29°41'12" east 141.98 foot line in a deed from Gilbert Marsh to State Department of Forests and Parks, recorded among the Land Records of Baltimore County in Liber O.L.B. 3419 folio 63, thence binding on the said fourth and third lines of said conveyance Marsh to State Department of Forests and Parks, thence south 29°30'41" west 141.98 feet, thence south 07°31'27" east 110.50 feet to an iron pipe set in the second line of the aforesaid conveyance Marsh to Billings, thence binding on said line south 83°17' east 100 feet to an iron pipe set on the westerly side of Annapolis Road, thence continuing same course south 83°17' east 24.90 feet to the place of beginning.

Being part of that parcel of land described in a deed from Gilbert Marsh et al to James L. Billings and Mildred L. Billings, his wife, recorded among the Land Records of Baltimore County in Liber O.L.B. 3435 folio 652.

John W. Hemler
Chairman



ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of March, 1963 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 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

A. Mitchell

TELEPHONE VALLEY 3-3000
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 14228
DATE 10/24/62
TO: Norman F. Summers, Esq.,
4612 Leeds Avenue
Baltimore 29, Md.
BILLED TO: Office of Planning and Zoning
119 County Office Bldg.,
Towson 4, Md.
DEPOSIT TO ACCOUNT NO. 01622
QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
TOTAL AMOUNT
COST
Cost of appeal case of James L. Billings
No. 5631 \$70.00
70.00
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
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 14133
DATE 9/14/62
TO: Messrs. Summers & Brewster
4612 Leeds Ave.
Baltimore 29, Md.
BILLED TO: Zoning Department of
Baltimore County
DEPOSIT TO ACCOUNT NO. 01622
QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
TOTAL AMOUNT
COST
Advertising and posting of property for James L. Billings \$9.00
9.00
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.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13
Date of Posting 8-28-62
Posted for: James L. Billings
Petitioner: James L. Billings
Location of property: W/S of Annapolis Rd. opposite Hoffman Ave.
Location of Sign: posted on the west side of Annapolis Rd. 15 feet north of Hoffman Avenue
Remarks: George A. Hemmer
Posted by: George A. Hemmer
Date of return: 8-30-62

OFFICE 247-0200
247-0201

NORMAN F. SUMMERS
ATTORNEY AND COUNSELLOR AT LAW
4612 LEADS AVENUE
BALTIMORE 29, MARYLAND

October 22, 1962



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

Re: Petition for Reclassification
from an "R-6" Zone to a "B-1"
Zone - W.S. Annapolis Road opp.
Hoffman Ave. 13th District -
James L. Billings, et al,
Petitioners - No. 5631

Dear Mr. Commissioner:

Please enter an Appeal from the decision rendered in the above matter (your Order dated September 24, 1962), and transmit all records to said case to the County Board of Appeals.

A check for \$70.00 to cover the costs heretofore enclosed herewith.

Sincerely yours,

NORMAN F. SUMMERS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: Mr. Norman F. Summers, Esq., Deputy Director
SUBJECT: Billings, et al, R-6 to B-1, Westside of
Annapolis Road opposite Hoffman
Avenue, being property of James
Billings,
13th District

Hearing: Wednesday, September 19, 1962 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-1 zoning and has no adverse comment to make.

TELEPHONE VALLEY 3-3000
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 12921
DATE 7/12/62
TO: Norman F. Summers, Esq.,
4612 Leeds Ave.
Baltimore 29, Md.
BILLED TO: Zoning Department of
Baltimore County
DEPOSIT TO ACCOUNT NO. 01622
QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
TOTAL AMOUNT
COST
Petition for Reclassification for James L. Billings \$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.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

James L. Billings and I, or we, ~~James L. Billings~~, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an BUSINESS LOCAL zone, for the following reasons:

1. To conform with the present zoning of adjacent properties to said property.
2. That the original zoning of said property was in error.
3. That said property cannot possibly be used under an R-6 classification.
4. And for such other reasons to be brought out at the hearing of this petition.

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.

Contract purchaser
Address: 101 S. JAMESON STREET, Room
Linthicum Heights, Maryland
Protestant's Attorney
Address: 4612 Leeds Avenue
Baltimore 29, Maryland
Zoning Commissioner of Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of July, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two new papers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of September, 1962, at 11:00 o'clock A.M.

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

the above R-classification 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 _____, 1962, 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 grant 1, from and after the date of this order.

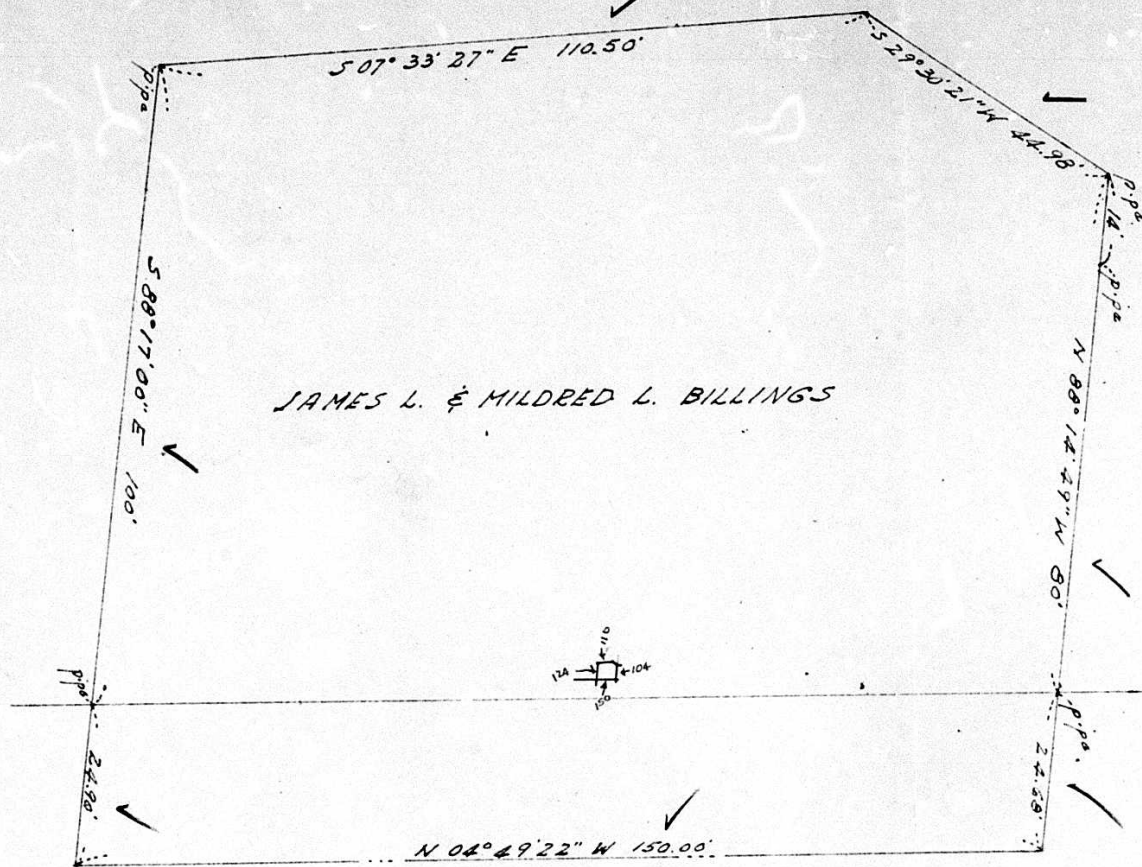
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition, and it appearing that by reason of the above R-classification 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 24th day of September, 1962, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to remain an R-6 zone; and no Special Exception be granted.

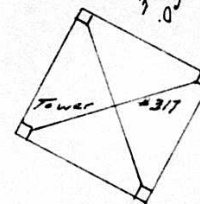
Zoning Commissioner of Baltimore County

STATE DEPARTMENT FORESTS & PARKS.



JAMES L. & MILDRED L. BILLINGS

GAS & ELECTRIC CO.
TRANSMISSION LINE



#5631
MAP
#13
SEC. 2-A & 3-A

ANNAPOLIS

ROAD

To Baltimore

HOFFMAN AVENUE



JAMES L. BILLINGS
&
MILDRED L. BILLINGS
DISTRICT 13, BALTO. CO. MD.
SCALE 1"=20' JUNE 23, 1962.

