00 00 J. WALTER SMITH, et al No. 63-75

lst District

Reclassification from R-6 zone to B-L zone (0.46 Acre) Reclassification GRANTED by D.Z.C. Hardesty Sept. 25 Order of Appeal to County Board of Appeals Oct. 24 Aug. 31, 1964 Reclassification DENIED by the Board

NW corner Rich & Alexander Avenue

Dec. 22 REMANDED to the Board by Judge Barrett Remanded hearing held before the Board June 17 1965 Court File (#3097) and additional record of proceedings filed in the Circuit Court

Order for Appeal filed in Circuit Court

Dismissed by appellants

Aug. 23

DENIED

County Council of Baltimore County County Office Builbing, Comson 4, Maryland

September 14 1044

Pint Datrict Second District

COUNCILME

12

Third District

On August 31st the County Board of Appeals passed its opinion and order on petition No. 53-75 denying a reclassification from R-6 to D-1. for a small piece of property improved by a residential dwelling on the northwest corner of Rich and Alexander Avenues in the First Election District, as requested by the petitioner, Mr. J. Walker Smith.

The Zoning Commissioner had granted the relaxation but his decision was appealed by the Catonsville Civic Leagus through Mr. Eugens E. Ward, 1064 Almander Avenue in epits of the fact that the reclassification was on appeal, the building was removated as a place of business and actually use as such. Apparently the renovation to a business scalable-business was dose without a surmis-

Now that the County Roard of Appeals has reversed the Zoolag Commissiones and the property definitely has not been reclarefilled. I sam requesting that your cifice sees that this order is manedistry saforced and all business activities stop in the dealing on this property.

Please advice at once what action is being taken

63-75 ERNEST I. HESSE and AUDREY L. HESSE

Mr. Rose 63

JAN _1 65 4 IN THE CIRCUIT COURT FOR BALTIMORE COUNT

G. MITCHELL AUSTIN, W. GILES PARKER and WILLIAM S. BALDWIN, : Constituting the County Board

of Appeals of Baltimore County

ORDER

The above case came on before the Court on the applicant's Order for Appeal from the decision of the County Board of Appeals of Baltimore County. The opinion of the Board which has been filed in this case stated, among other things: "The Office of Planning and Zoning has filed a report in this case stating that 'the intent of the zoning man here was to recognize and affirm the residential character along this portion of Baltimore National Pike. The Planning staff does not believe that the map was in error with respect to extending commercial zoning westerly

While it is obvious that the Board considered the report of the Office of Planning and Z ming, an examination of the record of the hearing before the Board discloses that the report was not introduced into evidence nor was any mention made of the report in the course of the testimony take

It is the opinion of this Court that this situation constitutes as error of law and the Court therefore orders the case to be remanded to the Board for the introduction of the report of the Office of Planning and Zoning into the record of this case, with the right of the parties to cross-examine the author of the report and to offer such evidence concerning the report as the Board deems right and proper.

December 22, 1964

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ALAN EVANS SURVEYORS AND

BALTIMORE 14, MARYLAND - HAmilton 6-2144

POPLAR STREET - CAMBRIDGE, MARYLAND - AC 8-3330 75

May 14 1963

DESCRIPTION OF NO. 6100 RICH AVENUE

REGINAING for the same at the corner formed by the intersection of the north side of Rich Avenue, 40 feet wide, as laid out and shown on the Flat of Douglas Fark , recorded among the Land Records of Baltimore County in Flat Book No. W.F.C. 7 folio 170, with the west side of Alexander Avenue, AC feet wide, as laid and shown on said plat, said place of beginning also being situate at the beginning of the land which by deed dated January 21, 1953 and recorded among the Land Records of Boltimore County in Lib G.L.B. No. 2240 folio 438 was conveyed by August W. Schnepfe to J. Walter Smith and wi , thence leaving said place of beginning and running and binding on said north side of Rich Avenue and on the first line of the aforementioned deed, referring all courses to said deed North 82 degrees 30 mimutes West 92.00 feet, thence leaving said north side of Rich Avenue and running and binding on the second line of the aforementioned deed North 15 degrees 40 minutes East 169.27 feet to the division line between lot No. 43 and 94 as shown on said plat, thence running and binding on the westernmost outline of lot No. 94 North 07 degrees 33 minutes East 50.54 feet to the division line between lots No. 93 and 94 as shown on said plat, thence running and binding on said division line between lots No. 93 and 94 South 74 degrees 02 minutes East 99.40 feet to said west side of Alexander Avenue, thence running and binding on said west side of Alexander Avenue and in part along the fourth or last line of the aforementioned deed South 15 degrees 58 minutes West 206.15 feet to the place of beginning.

RE: PETITION FOR RECLASSIFICATION from "R-6" Zone to a "8-L" Zone, NW corner Rich Avenue and Alexander Avenue, First District J. Waiter Smith, et al,

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REFCRE COUNTY BOARD OF APPEALS OF

> BALTIMORE COUNTY No 43-75

OPINION

This is a petition for reclassification from an "R-6" Zone to a "B-L" Zone of a small piece of property improved by a residential building on the northwest corner of Rich and Alexander Avenues, and separated from U. S. Route 40 West by a triangular tract of land also zoned "R-6".

The petitioner testified that he wished to use this property as his own office as a builder, and that he had some idea of using it for a showroom for appliance sales or other business purposes in the future. He has already remodeled the property, apparently for office use, under a building permit obtained for alteration purposes as residential property. The scle reason given in the petition for the application is "error in the original map".

There is a gas station on the other side of Alexander Avenue to the west of this property, but the balance of the entire area to the south of Route 40 consists of residential property and has been for over forty years on area of owner occupied homes most of which make up an established nearo community which has been the subject of errosion by reclassification for at least the last twelve years.

The protestants were all home owners and residents of the neighborhood who stated that if the present application was granted it would amount to a further encroachment on this community of people who have great difficulty in finding any other similar available homes if and when forced to move by creeping commercialism. Some of the protestants had lived in this area for as long as thirty-five years. Also protesting was the Catonsville Civic League represented by Mrs. Burnett Lindsay its President.

The Office of Planning and Zoning has filled a report in this case stating that "the intent of the zoning map here was to recognize and affirm the residential character along this portion of Baltimore National Pike. The Planning staff does not believe that the map was in error with respect to extending commercial zoning westerly from Alexander Avenue."

Testimony presented by the petitioner indicated that there was nothing to prevent the proper use of the property for residential purposes and the reasons stated by the witnesses to support their theory of error in the original zoning were unconvincing

to the Board; namely, that the property was too close to a clover-leaf and because of traffic from the nearby filling station. The fact that the owner has already remodeled the property at his own risk is not persuasive and to reclassify this tract thereby opening it to any and all approved uses under "B-L" zoning, the Board feels would be a grave error at this time.

The Order of the Zoning Commissioner will, therefore, be reversed and

ORDER

For the reasons set forth in the aforegoing Opinion, it is this_ 31 at day of August , 1964 by the County Board of Appeals, OR DERED 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

Hitelell anot

. -. . . __ • W#63-75 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Western J. Walter Smith and I, or we, Josic G. Smith, legal owners, 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, purs uant SEC.2-B to the Zoning Law of Baltimore County, from an R-6 an BLB-Lzone; for the following reasons: 9/19/63

Error in original man

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 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

Ernest J. Hose

Contract nurchaser

Owen Hennegan, Jr. Petitioner Attorey

(1) J. Walter Smith Josie G. Smith Legal Owner s Address 2010 Gedar Circle Drive, (28) Address(1) 2340 Pennsylvania Ave. (17) (2) 3316 Dorchester Road (15)

Protestant's Attorney

., 166_2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltin ore County, in two newspapers of general circulation throughout Baltimore County, that proper; be posted, and that the public hearing be had before the Zoning issioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September Pa.M. JUN 13 83

12 12 2 2 4 4 2 3 8 3 3 4 OFFICE OF PLANNING & ZONING 7 9/23/63

1 aug

it appearing that by reason of location, land unsuitable for residential use the above Reclassification should be had; and its further appearing that by reason of IT IS ORDERED by the Zoning Commissioner of Baltimore County this. 25 the same is hereby reclassified: from a B-6 __zone to a____ B -L gracked from and after the date of this order, subject to approval of the site plan by the Bureau of Fablic Services, State Scade Scorebaics, and the Office of Flannin and Zening. 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 IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 195 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 .zone; and/or the Special Exception for.

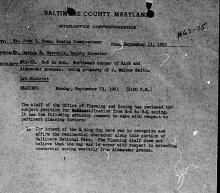
Pursuant to the advertisement, posting of property, and public hearing on the above petition and

Zoning Commissioner of Baltimore County

... be and the same is hereby DENIED

MICROFILMED





CATONSVILLE, MD.

1963.





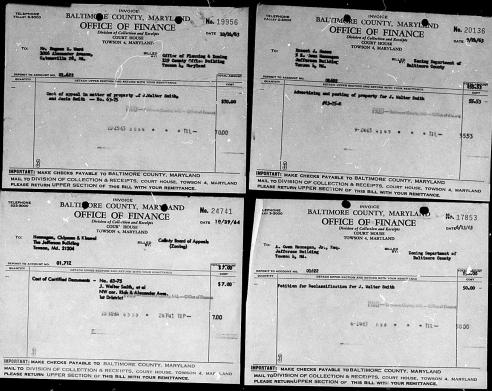
Sept. 9,

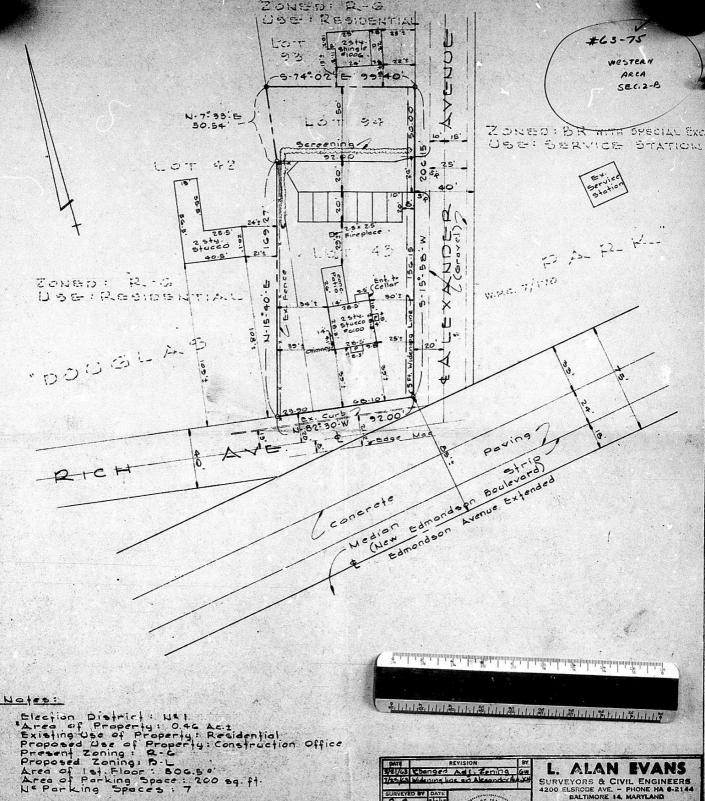
THIS IS TO CERTIFY, that the annexed advertisement of

John G. Rose, Zoning Commissioner of Baltimore County
was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Mary-

THE HERALD - ARGUS

No. I Newburg Avenue





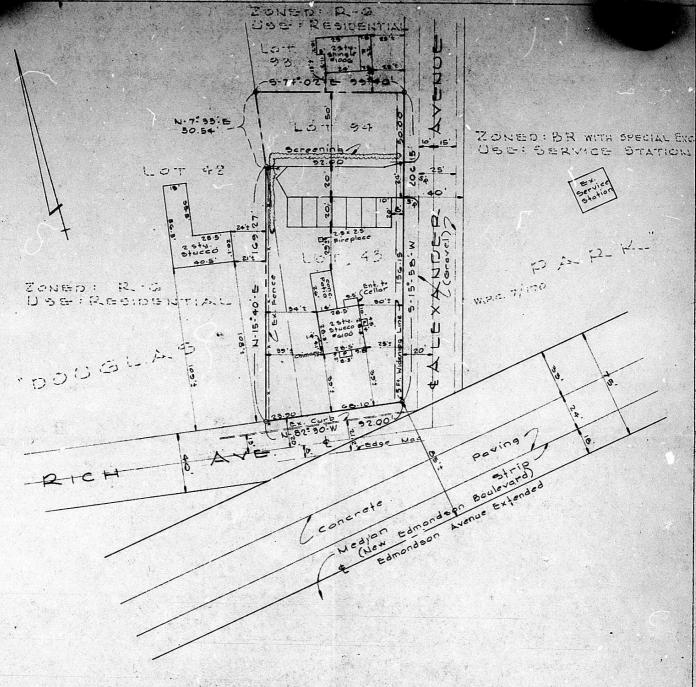
DRAWN BY DATE G.L.W VINGS

Dwg. No. 142

SURVEYORS & CIVIL ENGINEERS
4200 ELSRODE AVE. - PHONE HA 6-2144
BALTIMORE 14. MARYLAND - branch office -

E POPLAR STREET - PHONE AC 8-3350 CAMBRIDGE, MARYLAND STATE OF MARYLAND REG. No. 3627

DATE: 5/13/63



Notes:

Election District: U\$1
Area of Property: 0.46 Ac.:
Existing Use of Property: Residential
Proposed Use of Property: Construction Office
Present Zoning: R-6
Proposed Zoning: B-6
Area of 1st. Floor: 806.5°
Area of Parking Space: 200 sq. ft.
N° Parking Spaces: 7



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L. ALAN EVANS

SURVEYORS & CIVIL ENGINEERS 4200 ELSRODE AVE, - PHONE HA 6-2144 BALTIMORE 14, MARYLAND

- branch office E POPLAR STREET - PHONE AC 8-3350
CAMBRIDGE, MARYLAND
STATE OF MARYLAND REG. No. 2827

DATE: 3/13/63 SCALE: 1" 3