

BE: PETITION FOR SPECIAL EXCEPTION : BEFORE
 for Funeral Home and VARIANCE to : COUNTY BOARD OF APPEALS
 Section 211.3 of the Baltimore County : OF
 Zoning Regulations SE/S Belair Road, 145' from SW
 corner Demall Road BALTIMORE COUNTY
 11th District J. William Aston, et al, : No. 63-99-XV
 Petitioners

OPINION

This is a petition by J. William Aston for a special exception for a Funeral Home on the southeast side of Belair Road, 145 feet south of Demall Road. The subject property is zoned "R-4's". The lot is 75 feet wide and 200 feet deep. The property is located in a residential area with the nearest commercial zoning approximately 500 feet to the south. Adjoining the property on the south is the Perry Hall Elementary School which contains four classes of the first grade only. A residence is contiguous to the subject property on the north.

The petitioner submitted a plot of the proposed funeral home which would include two viewing rooms on the first floor and living quarters on the second floor. This plot indicated only twelve parking spaces in the back yard for visitors to the home.

Residents in the neighborhood objected to the granting of this petition on the grounds that it would be detrimental to the general welfare of the locality, would create traffic congestion and increase traffic hazards and would adversely affect the value of their homes.

The Board is of the opinion that the petitioner failed to prove that the special exception sought meets the requirements in Section 502.1 (a) and (b) of the Baltimore County Zoning Regulations. The Board feels the granting of the special exception requested would be detrimental to the general welfare of the locality in that it would create a commercial use in a residential neighborhood and thereby tend to lower the value of vicinal properties. It is, therefore, the opinion of the Board of Appeals that the petition for special exception be denied. With regard to the request for a variance, this is a most question in light of the denial of the special exception.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of March, 1964 by the County Board of Appeals, ORDERED that the special exception and variance 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: *William H. Kaufman*
 Charles C. Stroh

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

LAW OFFICES
 A. OWEN HENNEGAN, JR.
 SAMUEL KIMMEL
 404 JEFFERSON BUILDING
 TOWSON 4, MARYLAND
 November 6, 1963



Baltimore County Office of Planning and Zoning
 County Office Building
 111 N. Chesapeake Avenue
 Towson 4, Maryland

Re: Petition for Special Exception and Variance to Sec. 211.3 of Zoning Regulations - S.E. Side of Bel Air Road 115' from S.W. Cor. Demall Road, 11th Dist., J. Wm. Aston and Martha E. Aston, Petitioners - No. 63-99-XV

Gentlemen:

Please now an Appeal from the decision of the Commissioner to the Board of Appeals. Enclosed is check in the amount of \$70.00 in payment of costs for same.

Very truly yours,

Alvin Hennegan
 A. Owen Hennegan, Jr.

AOL:rmn

Encl.

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE TO Sec. 211.3 of Zoning Regulations - S.E. Side of Bel Air Road 115' from S.W. Cor. Demall Road, 11th Dist., J. Wm. Aston and Martha E. Aston, Petitioners - BALTIMORE COUNTY No. 63-99-XV

A hearing was held on October 9, 1963 on the above petition for a special exception for a Funeral Home on the southeast side of Bel Air Road 115' from the southeast corner of Demall Road, and a variance to Section 211.3 of the Baltimore County Zoning Regulations to permit a side yard of 20 feet instead of the required 25 feet.

The petitioner presently operates a Funeral Home on Bel Air Road in Baltimore City approximately 1/2 mile from the proposed location of a new Funeral Home. It is located very close to other Funeral Homes.

The proposed location has been chosen in the same road cut in a location which is residential in nature. So far the particular section of Bel Air Road in question is not used for any commercial uses which would involve an increase in traffic on the side streets. This proposed use would definitely increase the traffic on the side streets leading into and out of Bel Air Road.

Petitioner indicated that the proposed use would be detrimental to the health, safety and the general welfare of this locality.

For the above reasons the special exception and variance should be denied.

It is this 2nd day of October, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the special exception for Funeral Home be and the same is hereby DENIED.

The variance requested is also DENIED.

John J. Austin
 Zoning Commissioner of Baltimore County

INVOICE
 BALTIMORE COUNTY, MARYLAND No. 19988
 OFFICE OF FINANCE DATE 11/14/63
 Division of Collection and Receipts
 COURT HOUSE TOWSON 4, MARYLAND

To: A. Owen Hennegan, Jr., Esq.,
 Jefferson Building
 Towson 4, Md. BILLED BY: Office of Planning & Zoning
 319 County Office Bldg.,
 Towson 4, Maryland

REPORT TO ACCOUNT NO.	QUANTITY	SEARCH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622		Cost of appeal in matter of property of J. Wm. Aston No. 63-99-XV	570.00
01.622	111963 6276	Advertising and posting of your property	50.00
	101463 9023		2.00

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.

INVOICE
 BALTIMORE COUNTY, MARYLAND No. 19261
 OFFICE OF FINANCE DATE 6/29/63
 Division of Collection and Receipts
 COURT HOUSE TOWSON 4, MARYLAND

To: Aston Realty
 9333 Belair Rd.
 Baltimore 36, Md. BILLED BY: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	SEARCH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622		Petition for Special Exception & Variance	50.00
	61963 2988		5.00

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

I, or we, J. Wm. Aston & Martha E. Aston, 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 changed from R-4 to R-3 and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Funeral Home. Also requested variances to section 211.3 to permit side yard variance of ten feet and sixteen feet instead of the specified twenty feet as buildings are already now located on property.

Property 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.

Contract purchaser: J. Wm. Aston
 Address: 6324 Belair Rd. Baltimore 36, Md.
 Petitioner's Attorney: A. Owen Hennegan, Jr. 404 Jefferson Building, Towson 4, Md.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 16th day of August, 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 106, County Office Building in Towson, Baltimore County, on the 26th day of September, 1963, at 1:00 o'clock P.M.

John J. Austin
 Zoning Commissioner of Baltimore County

INVOICE
 BALTIMORE COUNTY, MARYLAND No. 20187
 OFFICE OF FINANCE DATE 10/11/63
 Division of Collection and Receipts
 COURT HOUSE TOWSON 4, MARYLAND

To: Aston Realty
 9333 Belair Rd.
 Baltimore 36, Md. BILLED BY: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	SEARCH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622		Advertising and posting of your property	50.00
	101463 9023		2.00

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.

SURVEY DESCRIPTION OF 9333 BELAIR ROAD

All that piece or parcel of land situated, lying and being in the Eleventh Election District of Baltimore County, State of Maryland, and described as follows:

Beginning for the same on the Southeast side of Belair Road at a distance of 145 feet westerly from the Southwest corner of Demall Road and Belair Road and at a concrete monument heretofore set on the Southeast side of Belair Road 50 feet wide at the end of the first line of the parcel of land covered by D. A. Dannenfelser and wife to the West of Belair Road in Baltimore County to said deed March 9, 1917, and continuing along the East Records of Baltimore County in Liber Co. 48, Jr. 394, folio 231, thence running and binding on the southeast side of Belair Road and in part on the first line of the land covered by Margaret Dannenfelser, et al, to Michael Kost and wife by deed dated March 27, 1947, and recorded among the Land Records of Baltimore County in Liber 1545, folio 491, North 48 degrees, 30 minutes, 00 seconds East 75.00 feet to an iron tee bar now set in the ground with M.S. Cap 2046; thence for a line of stream South 41 degrees, 30 minutes, 00 seconds East 200.00 feet to an iron tee bar now set in the ground with M.S. Cap 2046 on the third line of said deed of Dannenfelser to Kost; thence running and binding in part on said third line South 48 degrees, 30 minutes, 00 seconds East 75.00 feet to an iron tee bar now set in the ground with M.S. Cap 2046 on the second line of above referred to deed of Dannenfelser to Board of Education; and running and binding westerly in part on said second line North 41 degrees, 30 minutes, 00 seconds East 200.00 feet to the point of beginning.

Containing .344 acres, more or less.

Being part of the property described in a deed from Margaret Dannenfelser, et al, to Michael Kost and Billie Kost, his wife, dated March 27, 1947, and recorded among the Land Records of Baltimore County in Liber J. L. 1545, folio 481.

John J. Austin
 Zoning Commissioner of Baltimore County

100 P
 10/11/63
 1000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John D. Rose, Zoning Commissioner Date: September 27, 1963

FROM: George E. Gavrelis, Deputy Director

SUBJECT: #51-99-IV. Special Exception for a Funeral Home and Variances to permit side yard of 10 feet and 15 feet instead of the required 20 feet. Southeast side of Belair Road 145 feet Southwest of Darnall Road, Being property of J. Wm. Aston.

11th District HEARING: Wednesday, October 9, 1963. (1:00 P.M.)

Due to the exigencies of time the Planning staff was unable to complete the comments on the subject petition.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1173 Date of Posting 9/21/63
Posted for: Hearing Wed. Oct 9, 63 AT 1:00 P.M.
Petitioner: J. Wm. Aston
Location of property: SE 1/4 of Belair Rd. 145' from the SW 1/4 of DARNALL RD.
Location of Signs: 21 1/2 APP. 10' FROM DRIVEWAY TO HOUSE AND APP. 10' FROM SIDEWALK. NO APP. 8' FROM SIGN #1
Remarks: Both Signs are Facing Belair Rd.
Posted by: John C. Boerl Signature Date of return: 9/26/63

#63-99-KU

Public Petition for Special Exception for a Funeral Home, Petition for Variances to permit side yard of 10 feet and 15 feet instead of the required 20 feet. Location: Southeast side of Belair Road 145 feet from the Southwest corner of Darnall Road at 1:00 P.M. Wednesday, October 9, 1963. PUBL. HEARING: Room 111, Zoning Office Building, 111 W. Chesapeake Ave., Towson, Maryland. The Zoning Regulation to be varnied is Section 211.2 - Side Yards - 20 feet. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and a public hearing concerning all that parcel of land in the Eleventh District of Baltimore County. Beginning for the same on the Southeast side of Belair Road at a distance of 145 feet, westerly from the Southwest corner of Darnall Road and along Belair Road to a concrete monument, thence set on the Southeast side of Belair Road 10 feet wide at the end of the first line of the street of said distance, to A. Dannefeller and wife to the Board of Education of Baltimore County by deed dated March 9, 1947, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. 894, folio 231, thence running and binding on the Southwest side of Belair Road 60 feet wide at the end of the first line of the parcel of land conveyed by D. A. Dannefeller and wife to the Board of Education of Baltimore County by deed dated March 9, 1947, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. 894, folio 231, thence running and binding on the Southeast side of Belair Road and in part on the first line of the land conveyed by Margaret Dannefeller, et al. to Michael Kost and Billie Kost, his wife, dated March 27, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. 1549, folio 481. Being the property of J. Wm. Aston, as shown on plat plan filed with the Zoning Department. BY ORDER OF JOHN C. BOERL, Zoning Commissioner of Baltimore County. Sept. 25.

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 22, 1963. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on the 1st day of October, 1963, the first publication appearing on the 20th day of September, 1963.

THE JEFFERSONIAN, Bank Street, Towson, Md. Manager.

Cost of Advertisement: \$

63-99

PETITION FOR SPECIAL EXCEPTION and VARIANCE 11th District

ZONING Petition for Special Exception for a Funeral Home, Petition for Variances to permit side yard of 10 feet and 15 feet instead of the required 20 feet. LOCATION: Southeast side of Belair Road 145 feet from the Southwest corner of Darnall Road. DATE & TIME: WEDNESDAY, OCTOBER 9, 1963 at 1:00 P.M.

PUBLIC HEARING: Room 111, Zoning Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. The Zoning Regulation to be excepted is as follows: Section 211.2 - Side Yards - 20 feet.

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 Eleventh District of Baltimore County.

Beginning for the same on the Southeast side of Belair Road at a distance of 145 feet southwesterly from the Southwest corner of Darnall Road and at a concrete monument, thence set on the Southeast side of Belair Road 60 feet wide at the end of the first line of the parcel of land conveyed by D. A. Dannefeller and wife to the Board of Education of Baltimore County by deed dated March 9, 1947, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. 894, folio 231, thence running and binding on the Southeast side of Belair Road and in part on the first line of the land conveyed by Margaret Dannefeller, et al. to Michael Kost and Billie Kost, his wife, dated March 27, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. 1549, folio 481, North 44 degrees, 30 minutes, 00 seconds, East 75.00 feet to an iron tee bar now set in the ground with RLS Cap 2045, thence for a line of division South 41 degrees, 30 minutes, 00 seconds, East 200.00 feet to an iron tee bar now set in the ground with RLS Cap 2046 on the third line of said deed of Dannefeller to Kost, thence running and binding in part on said third line South 43 degrees, 30 minutes, 00 seconds, West 75.00 feet to an iron tee bar now set in the ground with RLS Cap 2046 on the second line of above referred to deed of Dannefeller to Board of Education and running and binding reversely in part on said second line North 41 degrees, 30 minutes, 00 seconds West 200.00 feet to the point of beginning. Containing 344 acres, more or less.

Being part of the property described in a deed from Margaret Dannefeller, et al. to Michael Kost and Billie Kost, his wife, dated March 27, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. 1549, folio 481. Being the property of J. Wm. Aston and Martha E. Aston, as shown on plat plan filed with the Zoning Department. BY ORDER OF JOHN C. BOERL, ZONING COMMISSIONER OF BALTIMORE COUNTY. Sept. 23.

OFFICE ORIGINAL THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS Rinterstown, Md. THE COMMUNITY PRESS Catonsville, Md. THE HERALD - ARGUS Catonsville, Md. No. 1 Newburg Avenue CATONSVILLE, MD.

THIS IS TO CERTIFY, that the annexed advertisement of John D. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for one week successive weeks before the 20th day of September, 1963, that it is so the same was inserted in the issues of

September 23, 1963. THE BALTIMORE COUNTIAN

By Paul J. Murphy Editor and Manager

