

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY:

I, or we, EDWARD S. MacNABB, JR., 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 SE-C-2-A zone to an SW-3-F zone; for the following reasons:

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 a funeral establishment and related uses.

Property is 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 Edwin J. Kirby, Jr.
Address Frederick & Wade Avenues
Catonville, Maryland 21228

Address 922 Frederick Road
Baltimore, Maryland 21228

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of February, 1971, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of March, 1971, at 1:00 o'clock.

Edwin J. Kirby, Jr.
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR SPECIAL EX- : BEFORE THE
CEPTION : ZONING COMMISSIONER
SE/corner of Frederick Road :
and Wade Avenue - 1st District :
Edward S. MacNabb, Jr. : OF
Petitioner : BALTIMORE COUNTY
NO. 71-243-X (Item No. 117) :

The Petitioner requests a Special Exception for a Funeral Establishment for property located on the south side of Frederick Road on either side of Wade Avenue, Parcel 1, on the east side of Wade Avenue, consisting of 0.236 of an acre of land, and Parcel 2, on the west side of Wade Avenue, consisting of 0.278 of an acre of land.

Testimony on behalf of the Petitioner indicated that a Funeral Establishment presently exists on the southwest corner and has been there for many years enjoying a non-conforming use. The property on the west side of Wade Avenue is improved by a one story brick structure, and the Petitioner parks vehicles thereon.

The Petitioner wishes to preserve his right for a Funeral Establishment and wishes to install within the one story brick structure a calcinator for purposes of calcination and/or cremation to be used on conjunction with the present Funeral Establishment and operation.

There was voluminous testimony from the Petitioner, as well as residents of the area, concerning traffic, public health, safety and welfare of the community. The main objection on behalf of the Protestants was the installation and operation of the said calcinator and what affect it would have upon the neighboring community. Counsel for the Petitioner and the Protestants submitted well prepared Memorandums concerning the facts and the law relevant to the issues herein.

In the judgment of the Zoning Commissioner, the granting of the Special Exception for a Funeral Establishment on both parcels would not be detrimental to the health, safety and welfare of the community, and

would not cause congestion in the roadway. This is a case of first impression, to the best of the Zoning Commissioner's knowledge, wherein a request for a calcinator is sought in conjunction with a Funeral Establishment. So long as the calcinator is operated only for the Petitioner's clientele and not used, leased or rented to other funeral directors, it could be considered in conjunction with and part of the Petitioner's individual Funeral Establishment. The only issue before the Zoning Commissioner is whether or not the prerequisites of Section 502.1 have been met. Change or error cannot be considered.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of September, 1971, that the prerequisites of Section 502.1 having been met, the Special Exception for a Funeral Establishment should be and the same is GRANTED, from and after the date of this Order, subject to the following:

1. That calcination or cremation on the subject properties is to be done only in conjunction with funerals emanating from the Petitioner's Funeral Establishment and not used, leased or rented, and in any other manner to any other funeral director, Funeral Establishment or cemetery.
2. That the site plan is subject to approval by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

Edwin J. Kirby, Jr.
Zoning Commissioner of Baltimore County

EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
31 COURT STREET
WESTMINSTER, MD 21157

Zoning Description Edward S. MacNabb, Jr. et al Property Parcel One Election District One Baltimore County, Md.

Beginning for the same at the corner formed by the intersection of the southeasternmost side of Frederick Road as laidout sixty-six (66.00) feet wide and the easternmost side of Wade Avenue forty (40) feet wide and running thence as now surveyed and with courses referred to True Meridian as established by Baltimore County and binding on the right of way of the Baltimore County Beltway as shown on State Roads Commission Plat No. 10870 the two following courses and distances viz: South 77 degrees 03 minutes 10 seconds East 50.02 feet, and South 24 degrees 00 minutes 50 seconds East 171.08 feet, thence leaving said Beltway and running South 72 degrees 24 minutes 14 seconds West 69.56 feet to intersect the abovementioned side of Wade Avenue and thence binding thereon North 15 degrees 40 minutes 35 seconds West 166.00 feet to the place of beginning....containing 0.236 acres of land more or less.

Edwin J. Kirby, Jr.
January 20, 1971

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 1, 1971

C. Victor McFarland, Esq.,
Item 117
Baltimore, Maryland 21228

RE: Type of Hearings Special Exception
Locations 2 & 3 W/S Wade Avenue, Int.
with S/S Frederick Avenue
Petitioner: Edward S. MacNabb
Committee Meeting of Feb. 9, 1971
1st District
Item 117

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with an office and garage area for the MacNabb Funeral Home and an existing 2 1/2 story funeral home - the garage located on the southeast corner and the funeral home located on the southwest corner. The surrounding properties are residential in character, with the exception of the property to the north, the northeast side of Arbutus Avenue and Frederick Road is zoned R6 with a Special Exception for office buildings. The property to the east is bounded by the Baltimore Beltway; the property to the south with residential homes, Wade Avenue and Frederick Road in this location are partially improved with concrete curb and gutter.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Baltimore County Beltway (I-495), Frederick Road (Ind. Blvd) and Wade Avenue (Ind. 355) are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Roads Commission requirements.

C. Victor McFarland, Esq.,
Item 117
Page 2

March 1, 1971

The alley adjacent to Parcel 2 of this site, is indicated as a 20-foot wide residential alley on the plat of Holmehurst, recorded among the Land Records of Baltimore County (W.P.C. No. 7 Part 1-57). It does not appear that half the width of this alley should be assured for the exclusive use, i.e., entrance and parking, for the Petitioner, nor should the direction of traffic flow in the alley be controlled, directed or dictated by the Petitioner.

The alley should be improved as a 20-foot commercial alley in accordance with Baltimore County Standards. Such improvement of the alley will be required in connection with any subsequent building permit application.

The entrance locations from the alley are subject to approval by the Department of Traffic Engineering.

Storm Drains

Provisions for accommodating storm water or drainage from the property (Parcel 2) west of Wade Avenue and the 20-foot alley have not been indicated on the submitted plan.

Drainage facilities appear to be required in conjunction with improvement of the 20-foot alley.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or diseases to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers

Both public water supply and sanitary sewerage are available and are serving the present funeral home establishment.

DEPARTMENT OF TRAFFIC ENGINEERING

Since the property is presently being used for a funeral home, the subject petition should have no major increase in traffic.

HEALTH DEPARTMENT

Since this petition is for additional parking, no health hazards are anticipated.

C. Victor McFarland, Esq.,
Item 117
Page 3

March 1, 1971

STATE ROADS COMMISSION

Both Frederick Road and Wade Avenue are maintained by the State Roads Commission.

The entrance to the parking lot on the east side of Wade Avenue should have a minimum width of 25' rather than 24' as indicated on the plan.

The plan indicates that access to the funeral home parking lot on the west side of Wade Avenue is by way of an entrance from Wade Avenue, and an exit to Frederick Road, designated on the plan as "one-way". An inspection at the site revealed no indication by signs or otherwise of the one-way aspect. Without regulatory signs, motorists visiting the home would encounter considerable confusion, therefore, it is our opinion that appropriate signs should be erected.

The proposed curbing of the entrance is subject to approval and permit by the State Roads Commission.

BUILDINGS ENGINEER'S OFFICE

No comment from this office at this time.

BOARD OF EDUCATION

No bearing on student population.

FIRE DEPARTMENT

This office has no comment on the proposed site.

ZONING ADMINISTRATION DIVISION

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
Oliver L. Myers
OLIVER L. MYERS, Chairman

DL:JD
Enc.

EDWIN J. KIRBY AND ASSOCIATES

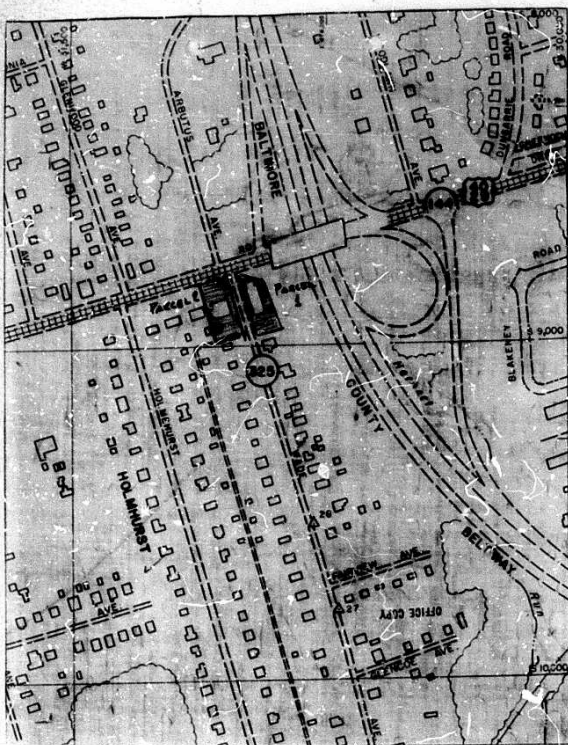
SURVEYORS - ENGINEERS - PLANNERS
31 COURT STREET
WESTMINSTER, MD 21157

Zoning Description of Edward S. MacNabb, Jr. et al Property Parcel Two Election District One Baltimore County, Md.

Beginning for the same at the corner formed by the intersection of the southeasternmost side of Frederick Road as laidout sixty-six (66.00) feet wide and the westernmost side of Wade Avenue forty (40) feet wide and running thence as now surveyed and binding on the abovementioned side of Wade Avenue with courses referred to True Meridian as established by Baltimore County South 15 degrees 40 minutes 35 seconds East 160.00 feet to a point in the center of an Alley 20.00 feet wide as shown on the PLAT of HOLMEHURST, recorded among the Land Records of Baltimore County in Plat Book No. 7 folio 57 and thence binding on the center of said Alley South 74 degrees 10 minutes 25 seconds West 75.63 feet, thence running North 15 degrees 40 minutes 35 seconds West 160.00 feet to intersect the abovementioned side of Frederick Road and thence binding thereon North 74 degrees 10 minutes 25 seconds East 75.63 feet to the place of beginning....containing 0.278 acres of land more or less.

Edwin J. Kirby, Jr.
Edwin J. Kirby, Jr. RS 5481
January 20, 1971





INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

INVOICE No. 75488
DATE Jan. 22, 1971

TO: Cash
(William French)
322 Frederick Rd., Baltimore, Md. 21205

FROM: Building Dept. of Baltimore County

REPORT TO ACCOUNT NO. 01-522
REUSE THIS PORTION WITH YOUR SIGNATURE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORD

QUANTITY 1
UNIT 1
PRICE 25.00
TOTAL 25.00

Position for Special Exception for Edward S. MacNabb, Jr.

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

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Position for Special Exception for Edward S. MacNabb, Jr.

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OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

251845 71-247-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 157
Posted for: SPECIAL EXCEPTION
Petitioner: EDWARD S. MACNABB
Location of property: SECTION OF FREDERICK RD. AND WADE AVE.
Location of sign: 1/2 S. OF FREDERICK RD. 157th & S. OF WADE AVE.
Remarks: 3/2 S. OF WADE AVE. 50th & S. OF FREDERICK RD.
Posted by: R. J. MacNabb, Jr.
Date of return: March 26, 1971

Waterford, Conn.
By: Frederick Road
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this
9th day of February, 1971

Petitioner: Edward S. MacNabb
Petitioner's Attorney: G. Victor Whitford
Reviewed by: Edward D. Hardesty
Chairman of the Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map			10/11	APK	10/11	APK				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: JCB										
Previous case:										
Revised Plans: Change in outline or description										
Map #1-156-2-A SW-3-F										

PETITION FOR SPECIAL EXCEPTION
-TOWSON DISTRICT-

EDWARD S. MACNABB, JR.
322 FREDERICK ROAD
BALTIMORE, MARYLAND 21205

THE ZONING COMMISSIONER OF BALTIMORE COUNTY, MARYLAND, has received and accepted for filing this petition for special exception for a parcel of land.

Map No. 1-156-2-A
SW-3-F

CERTIFICATE OF PUBLICATION

TOWSON MD. March 11, 1971

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 or before the 11th day of March, 1971, the first publication appearing on the 11th day of March, 1971.

THE JEFFERSONIAN
L. Frank Sullivan
Manager

Cost of Advertisement, \$

PETITION FOR SPECIAL EXCEPTION
-TOWSON DISTRICT-

EDWARD S. MACNABB, JR.
322 FREDERICK ROAD
BALTIMORE, MARYLAND 21205

THE ZONING COMMISSIONER OF BALTIMORE COUNTY, MARYLAND, has received and accepted for filing this petition for special exception for a parcel of land.

Map No. 1-156-2-A
SW-3-F

ORIGINAL

THE CATONSVILLE TIMES
CATONSVILLE, MD. 21228 March 15, 1971

THIS IS TO CERTIFY, that the annexed advertisement of Edward S. MacNabb, Jr., Zoning Commissioner of Baltimore County, was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 15th day of March, 1971, that is to say, the same was inserted in the issue of March 12, 1971.

STROMBERG PUBLICATIONS, Inc.
By: Bill Morgan

COUNTY

BELTWAY

BALTIMORE

FREDEZICK,
ROAD

ΔΕΒΟΥΤΟΥ ΔΥΕ.

K-A

[illegible]

PARKING DATA

TOTAL FLOOR AREA	67374
PARCEL 1	40754
PARCEL 2	26584
REG-SPACE 9:15 C/foot	23
APARTMENT	1
TOTAL REG-PROVIDED	24
SE 2-A	27
SW-3-F	
"X"	

ELECTION DISTRICT No. 1
BALTIMORE COUNTY, MD

EXISTING ZONING PARCELS 1 AND 2 - R-6 R-6
PROPOSED ZONING PARCELS 1 AND 2 - R-6 SPECIAL EXCEPTION FEDERAL HOME

Edward J. Kirby & Associates
21600 STREET
WILMINGTON, MD. 21157
Case No. 01 Date Jan. 20, 1971