

FILED JUL 7, 1946

LAURENCE F. SIMS and
THE BLACK MANUFACTURING COMPANY,
a body corporate *
vs. *
FOR *
WILLIAM H. MANNING,
EDWARD L. MARTIN and
J. KEMP BARTLETT, JR.,
Constituting the Board of
Zoning Appeals of Baltimore
County *
BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition and Appeal of Laurence F. Sims and The Black Manufacturing Company respectfully represents:

FACTS: That Laurence F. Sims is a property owner, taxpayer and resident of Baltimore County, State of Maryland; that The Black Manufacturing Company is a corporation duly created under the laws of the State of Maryland, with its principal office and plant in Baltimore City, State of Maryland.

RECORD: That on or about the 24th day of April, 1945, Milton R. Smith, acting on behalf of The Black Manufacturing Company, entered into a contract of sale with said Laurence F. Sims for the purchase of a certain tract of land, containing thirteen acres, more or less, situate, lying and being in the Eighth Election District of Baltimore County, at the intersection of the South side of Padonia Road and the Northeast right-of-way line of the Northern Central Railroad. That the intention of The Black Manufacturing Company in purchasing the aforesaid property was to remove its plant and operations from Baltimore City to the aforesaid location.

TRUTH: That subsequent to the execution of the said contract of sale, a Petition was filed with the Zoning Commissioner of Baltimore County requesting the reclassification of the property of Baltimore County from an "A" Residential Zone to an "F" Light Industrial Zone, pur-

suant to the Zoning Law of Baltimore County.

and without legal force and effect, and should be reversed in whole, set aside and annulled by this Honorable Court for the following reasons:

(a) That the Board of Zoning Appeals of Baltimore County was without jurisdiction or statutory authority to enter said Order since such Order was not entered pursuant to a comprehensive plan of zoning or in accord with any regulations made or adopted pursuant to any comprehensive plan as required by Chapter 502 of the Laws of Maryland of 1945.

(b) That the said Order of the Board of Zoning Appeals of Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion.

(c) That there was no substantial or sufficient evidence produced before the Board of Zoning Appeals of Baltimore County to justify said Order, and your Petitioners in the proceedings have fully met the burden of proof sustaining their position in the original Petition and in all subsequent proceedings before the said Board.

(d) And for other good and valid reasons to be assigned at the trial of this case.

WHEREFORE YOUR PETITIONERS PRAY:

(a) That a Writ of Certiorari be issued by this Court directed to the Board of Zoning Appeals of Baltimore County to review the decision of the Board of Zoning Appeals of Baltimore County and prescribe the time within which a return thereto must be made and served upon the relators' attorney.

(b) That this Honorable Court reverse, set aside, annul, declare void and of no effect, the Order of the Board of Zoning Appeals of Baltimore County dated May 22, 1946.

(c) That this Honorable Court rescind said case for the entering of a proper Order in this matter.

MADE IN U.S.A.

suant to the Zoning Law of Baltimore County.

FACTS: That following proper advertisement and posting of the property as required by the "Zoning Act of Baltimore County", a hearing was held before Bayard F. Ponds, as Acting Zoning Commissioner of Baltimore County on August 6, 1945. On August 14, 1945 the said Acting Zoning Commissioner passed an Order denying the reclassification of the property, in question, as follows:

"Establishment of 'apart zoning' in a residential area will not be conducive to the general welfare of the surrounding residential property."

TRUTH: That your Petitioners, the said Laurence F. Sims and The Black Manufacturing Company, aggrieved by the said Order of the Acting Zoning Commissioner, filed an Appeal to the Board of Zoning Appeals of Baltimore County on the 22nd day of August, 1945.

ALSO: That a hearing was held before the said Board of Zoning Appeals of Baltimore County on March 22, 1946; that at the time of the said hearing The Black Manufacturing Company made a complete disclosure of all the pertinent facts relative to its intended removal into Baltimore County, including the type of its proposed operations, the number of employees it expected to draw from the community, and detailed plans showing the architecture of the contemplated building and the general design of the landscape surrounding the proposed structure.

RECORD: That subsequent to March 22, 1946, the date of the hearing of the Appeal before the Board of Zoning Appeals of Baltimore County, and before any decision in the matter was made by said Board, the Northern Central Railroad, a part of the Pennsylvania Railroad system, intervened in the proceedings before the Board and directed the attention of the Board to the fact that the zoning authorities of Baltimore County had preserved the entire Northern Central Railroad's right-of-way "as is", that is, entirely without any reclassification except for existing industrial uses, failing to consider

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ATTORNEY AT LAW
BALTIMORE, MARYLAND

the statutory mandate to enact a comprehensive plan of zoning, which plan, if effected as required by law, could not possibly omit areas along the main lines of common carriers which are the normal and natural location for industries.

TRUTH: That on May 20, 1946 the said Board of Zoning Appeals of Baltimore County passed an Order sustaining the said Order of the Acting Zoning Commissioner and refused the reclassification of the property from a Class "A" Residential Zone to a Class "F" Light Industrial Zone. The text of that Order is as follows:

"It is this 22nd day of May, 1946 Ordered by the Board of Zoning Appeals of Baltimore County that the aforesaid Order of the Acting Zoning Commissioner be and the same is hereby approved and sustained, and the said Petition for Reclassification be and the same is hereby denied, and that the property described therein to remain 'A' Residential Zone. It is recommended by the Board of Zoning Appeals that the Zoning Commissioner cause a study to be made of the land adjacent to the right-of-way of the Northern Central Railroad for the purpose of establishing along said line the areas to be zoned for industrial purposes."

ALSO: That your Petitioners are aggrieved by the decision of the Board of Zoning Appeals of Baltimore County, as aforesaid stated, by reason of the facts:

a. That the property immediately to the North of the property, in question, is now and has been for many years past used for the heaviest type of quarrying operations.

b. That approximately one-half mile to the South of the property, in question, is the Tinsmiths Fair grounds, a commercial enterprise.

c. That the area binding on the East side of the Railroad right-of-way between the aforesaid quarry area and The Tinsmiths

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Fidelity Union Skin

Fair Grounds, with the exception of the northern portion of the property in question, is primarily swampy and unfit for residential use.

d. That the reclassification of the area between the industrial quarry use and the Fair grounds commercial use, and by on the railroad right-of-way, as residential, is itself "apart zoning."

e. That any truly comprehensive plan of zoning does ignore the facts:

(1) That areas along the main line railroads are natural, and under the most circumstances, the only locations for factories to industries.

(2) That if such areas are not classified industrial or commercial, the future growth of any governmental unit industrially and commercially, with the attendant benefits, among others, increased employment and more tax income, is stymied.

f. That the reclassification of the subject property from a Class "A" Residential Zone to a Class "F" Light Industrial Zone will enhance rather than deteriorate existing property values in the community.

g. That the erection and use of the said property as a modern daylight manufacturing establishment, comparable to The Murray Corporation, the Julian Fries Plant and other similar establishments presently located in Baltimore County in residential areas will in no way adversely affect the health, safety, morals or welfare of the community in which the said property is located.

h. That by reason of the general character of the neighborhood, the existing uses of the properties adjacent and near makes the only practical use of the property in question a light industrial one.

TRUTH: That the aforesaid Order of the Board of Zoning Appeals of Baltimore County, dated May 22, 1946, is void, unless

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Constituting the Board of Zoning
Appeals of Baltimore County *
BALTIMORE COUNTY

ORDER OF COURT

Upon the foregoing Petition, Appeal and affidavits, it is this 25th day of June, 1946, ORDERED by the Circuit Court for Baltimore County that a Writ of Certiorari issue directed to the Board of Zoning Appeals of Baltimore County to review the decision and Order of said Board of Zoning Appeals, dated May 22, 1946, and that a return thereto must be made and served upon the relators' attorney within 15 days from the date of this Order; and

It is further ORDERED that the Board of Zoning Appeals of Baltimore County be and it is hereby required to return to this Court the original papers acted upon by it, or certified or sworn copies thereof and the return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision and Order appealed from.

True Copy Test
Richard J. Gifford
Clerk

John B. Gifford
30083

MILTON R. SMITH
ATTORNEY AT LAW
BALTIMORE, MARYLAND

Notary Public

be required to return to this Court the original papers acted upon by it or certified or sworn copies thereof, and that such return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision and Order appealed from.

(e) And for such other and further relief as the nature of the cause of the Petitioners may require.

AND as in duty bound, etc.

Conservator
Milton R. Smith
Attorneys for Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of June, 1946, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Milton R. Smith, Attorney, who made oath on behalf of Laurence F. Sims, one of the Petitioners, that the matters and facts set forth in the aforesaid Petition and Appeal are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of June, 1946, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared S. Duncan Black, Jr., President of The Black Manufacturing Company, a body corporate, one of the Petitioners, who made oath on behalf of said body corporate that the matters and facts set forth in the aforesaid Petition and Appeal are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

MILTON R. SMITH
ATTORNEY AT LAW
BALTIMORE, MARYLAND

Notary Public

July 25, 1946

\$20.00

RECEIVED OF Laurence F. Sims, the sum of Twenty (\$20.00) dollars, being cost of petition for reclassification, advertising and posting of property, South side of Padonia Road, 8th district of Baltimore County, pursuant to petition for reclassification.

Acting Zoning Commissioner.

Hearing:
Tuesday, August 7, 1946
at 11:00 o'clock a.m.

PAID
JUL 24 1946
COUNTY COMMISSIONER
OF BALTIMORE COUNTY

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—

that triangular parcel
of ~~the~~ property situate

~~we~~ we, Laurence F. Sims

legal owner

on the south side of Padonia Road, at Padonia, in the 8th Election District of Balto. Co., beginning at the intersection of the south side of Padonia Road and the northeasternmost R/W line of the Northern Central R. R., thence easterly, on said side of Padonia Road, 820', thence southwesterly 1457.22' to the northeasternmost R/W line of said Railroad, thence northwesterly, on said R/W line, 1723.61' to beginning. Containing 13.61 acres of land, more or less. Being all that land in deed dated Nov. 30, 1943, from Bruce S. Campbell, and wife, to Laurence F. Sims, recorded in Liber R. J. S. No. 1314, folio 414,

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence Zone to an "H" Industrial zone.

Reasons for Re-Classification:—

Character of use for which above property is to be used: For manufacture of light weight air and gas hand tools

Size and height of building: front 200 feet; depth 100 feet; height 1 story feet.
from Padonia Road

Front and side set backs of building from street lines: front 300 feet; side 300 feet.

Property to be posted as prescribed by Zoning Regulations.

I, ~~we~~, agree to pay expenses of above re-classification, 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.

Laurence F. Sims

Legal Owner

Address 1632 E. Joppa Road

Louison y mg

ORDERED by The Zoning Commissioner of Baltimore County, this 16th day of

July

1945

that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the

7th

day of

August

1945

at 11 o'clock A.M.

Raymond P. Fend
Acting Zoning Commissioner of Baltimore County

(over)

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 be had.

It Is Ordered by the Zoning Commissioner of Baltimore County this _____ day of _____ 19____, that the above described property or area should be and the same is hereby re-classified, from and after the date of this Order, from a _____ zone to a _____ zone.

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 establishment of "spot" zoning in a residential area and will not be conducive to the general welfare of the surrounding residential property the above re-classification should NOT be had:

It Is Ordered by the Zoning Commissioner of Baltimore County, this 14th day of August 1945, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain in "A" zone.

Raymond P. Ford
Acting Zoning Commissioner of Baltimore County

Upon hearing on appeal from the Order of the Acting Zoning Commissioner of Baltimore County, passed on the 14th day of August, 1945, denying the petition for reclassification as petitioned for and it appearing that said Order should be ratified and confirmed, therefore:

It is this 22nd May, 1946, ORDERED by the Board of Zoning Appeals of Baltimore County that the aforesaid Order of the Acting Zoning Commissioner be and the same is hereby approved and sustained and the said petition for reclassification be and the same is hereby denied and that the property described therein to remain an "A" Residence Zone. It is recommended by the Board of Zoning Appeals that the Zoning Commissioner cause a study to be made of land adjacent to the right-of-way of the Northern Central Railroad for the purpose of establishing along said line the areas to be zoned for industrial purposes.

Edward L. Martin
Board of Zoning Appeals
of Baltimore County.

Approved _____

County Commissioners of Baltimore County

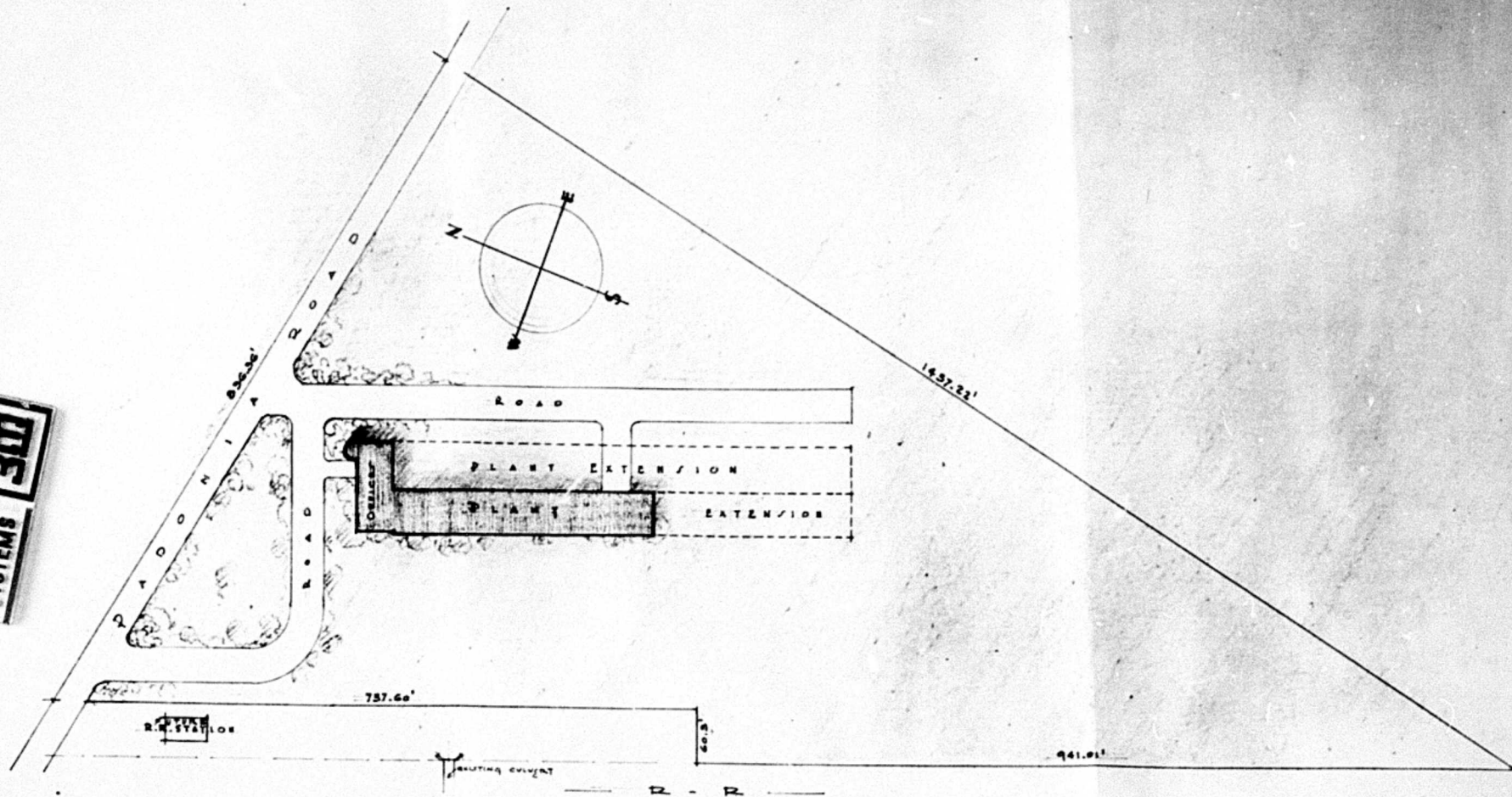
Date _____

By _____

President

MICROFILM
SYSTEMS
300

MICROFILM
SYSTEMS
300



· LOCATION · PLAN ·

LAWRENCE A. MENEFEE
CHARLES H. MARSHALL
ASSOCIATE ARCHITECTS
BALTIMORE - MARYLAND

PROPOSED PLANT & OFFICE for the BLACK MANUFACTURING CO. 115 PADONIA - MARYLAND

SCALE 1" equals 100'