HILDA L. WARFIELD 111 IN THE CIRCUIT OWER J. REG BUTLETT, Jr., PACE BATHTHERE COUNTY WILLIAM H. MANCHEY, SIMAND L. MANTIN, Constituting the Board of appellees

TO THE HONORARLE, THE JUDGES OF SAID COURT: The Petition and Appeal of Hilds L. Warfield respectfully shows;

1. That your Petitioner Appellant, Hilds L. Marfield, is a citizen, resident and termayer of Rultimore County and the level owner of the fee simple property located in Baltimore County, situate on the west side of York Road and known and described as Lot No. 4 on the Plat of the property of H. Guy Carreball which said alet is recorded among the Dist Decords of Reltinore County in Dist Book G. H. Y. No. 13. folio 6.

2. That Bayard P. Fonda as acting Zoning Commissioner of Baltimore sty, by Order dated August 14, 1945, refused to re-classify for commercial purposes Lots Nos. 1 and 2 as shown on the aforementioned Plat situate on the Southwest corner of York Road and west Road near Towson in the Ninth Election District of Baltimore County and owned by Curtis G. McCabe and Helen G. McCabe, his wife, giving as his ronsons for his refusal to re-classify, "lack of community need and possibility of oresting a traffic hazard for south bound traffic on York Road".

3. That the said Curtis G. McCabe and Helen G. McCabe, his wife, realing accrieved by said Order of said Zoning Commissioner entered an appeal thereon to the word of Youing angels of Buildings County.

4. That after a hearing before the said Board of Zoning Appeals, it by its Order dated September 27, 1945, reversed the Order of said acting Zoning Commissioner and regoned for commercial purposes the aforementioned property owned by the said Curtis G. McCabe and Helen G. McCabe, his wife.

5. That the said order of the said Board of Zoning Appeals dated September 27, 1945, is invalid and illegal for the following reasons:

(a) That there was no evidence produced before said moard to

Justify or support said Order

- (b) That no sufficient evidence was produced before said Board to justify or support said Order.
- (e) That no substantial evidence was produced before said Board to justify or support said order.
- (4) That the applicants utterly failed to neet the burden of
- (e) That the property so re-classified is located in what is and should be a residential area.
- (f) By such re-classification said property is converted into use for commercial and industrial proposes
- (g) That such re-classification will be detrimental to the health, safety, morals and general welfare to the community involved.
- (h) That such re-classification will tend to create congestion on the roads and streets of the area involved, will create a fire hazard and will interfere with schools, transportation and other public requirements and conveniences.
- (i) The greatest utility of the particular area is not for mergial or industrial purposes.
- (j) The area adjacent to the particular area sought to be reclassified, as well as that which is re-classified, is already residential and should
- (k) That said area so re-classified should not be non-residential in use by reason (1) location; (2) absence of commercial enterprises necessary for the public convenience.
- (1) That such re-classification violates the spirit and general scope of the Zoning laws of Baltimore County.
- (m) That such reclassification in the center of a residential area will result in the conversion of the entire York Road area into a commercial end industrial site eres.
- (n) That the natural and proper development of this area is and should be for residential purposes only.
 - (o) And for other good and valid reasons to be assigned at the

trial of this case.

- (6) That your Petitioner, Hilds L. Marfield, owner of the said property and taxpaper thereof feeling aggrieved by said Order of said Board of Zoning Appeals dated September 27, 1945, hereby appeals to the Circuit Court for Baltimore County
- (1) That this Court may issue a writ or Certificant directed to the said Board of Moning Appeals to review such decision and order of the Board of Moning Appeals and prescribe therein the time within which a return thereto shall be made and served upon the Relator's Attorney.
- 2. That this Court may great a restraining Order suspending said Order of said Board of Monting , speaks dated September 27, 1945 pending the final etermination of this case.
- 3. That said Board of Zoning Appeals may be required to return the original papers acted upon by it, co-certified or sworm 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 appealed from.
- 4. That this Court may permit the Appellant to take much other and further testimony as may be necessary for the proper disposition of this matter.
- 5. That this Court reverse said Order of said Board of Zoning Appeals dated September 27, 1945, and remand said case for the entering of a proper order.
- 6. And for such other and further reasons or relief as the nature of her case may require.

AND AS IN DUTY HOURD, etc.

Solicitor for Datitions

Hilds L. Marfield, Petitioner

SEAL)

State of Maryland, Baltimore County. Grt:

J. Koop Bartlett, Edward L. Martin and J. Koop Bartlett, Edward L. Martin and J. Koop Bartlett, Edward L. Martin and Falliners County.

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and Relan C. McCate, his wife, re-coming of property Englished corner or York Road and "est Road, Sth Slection District, Boltimore County, MG.

CHECK COURT FOR HARTMORE COUNTY, before the Benefitte of Household Municipal

Learned this 100 day of Samphensians 192,45

Rent & Still

JOHN D. C. DUNGAN TOWBON MD -4

October 20, 1945

Zoning Department of Baltimore County Reckord Building Towson-4. Maryland

He: Heclassification to Commercial Use - Property N.W. Corner York and West Books -Curtis G. McCabe and wife

Gentlemen:

I thank you for your letter of October 19th and will appreciate it if you will, in the forwarding of the papers to the Circuit Court, see that my appearance goes to the higher Court as representing Curtis G. McCabe and wife.

> Yours very truly, John Db. Duncan

.TDCD - mele

same is hereby stayed pending final decision in this matter, unless cause to the contrary be shown by said heard of Zoning Appeals within tern days from this date. 3. That said soard of Zoning Appeals return to this Court all the original papers, or certified or sworm copies thereof and the return shall concisely set forth such other facts as may be pertinent and material showing the grounds of the decirion appealed from.

above entitled matter OHDERED:

ten days from this date.

ORDER

Upon the aforegoing Petiton and Appeal and Affidavit, it is this

1. That a Writ of certifrari issue directed to the Board of Zoning

2. That said Order of said ho rd dated peytember 27, 1945, be and the

16 - day of October, 1945, by the Circuit Court for Baltimore County, in the

Appeals to review said decision and Order of said moard of Zoning Appeals dated

Reptember 27, 1945, requirems is to return to this court all its papers and proceed-

ings in said matter to emble this Court to review said Order and pecision, and that

a return to this retition shall be made and served upon the Relator's attorney with

& Howard murray

County aforesaid, personally appeared milds la Warfield and made oath in due form of law that the matters and facts gay forth in the aforegoing Petition and Appeal are true as therein set forth to the best of her knowledge, information and belief, AS WITHERS My hand and Notarial Scal.

STATE OF MARYLAND, BALTIMONE COUNTY, to wit:

the subscirber, a Notary Public of the State of Maryland, in and for Baltimore

MOTARY PUBLIC

I HEREN CERTIFY, that on this day of Cotober, 1945, before me,

Sept. 28, 1948

John D. C. Duncan, Esq., Duncan Bullding, Towson - 4, Md.

Re: Reclassification - Zone to may Relatere Zone to may Conversal Zone, York and West Reade, McGabe, Petitioner

order passed by the Board of Zoning Appends in the above employed matter.

Zoning Commissioner.

Upon breating on eppend from the Order of Acting Zoning.
Commission of Dakismore Commiss, and August 14, 1018, dorying
the state of Dakismore Commission of Commission of

order of the sid Active Gening Commissions should be reversed, order of the sid Active Gening Commissions should be reversed, the state of the side of the state of the state

27th day of September, 1945

Accepted and agreed to this utilian R. Mahaney

Curtis O. McCobe (SCAL) Helen G. McCabe (SEAL) Edward L. Bartin J. Kemp Bartlett, Jr. Board of Wonling Appeals of Baltimore County.

> 1438 0438

Petition for Zoning Re-Classification

Holen G. McCabe, his wife,

at the southwest corner of York and West Mondo, near Towson, in the 9th Riestlon Mistrict of Balto. Oc., fronting 115.16° on west side of York Road with a retenangual capture mestally of 101 and binding on south side of West Road. Being lots Mos. 1 and 2 on plat of property of it. Gay Campbell, recorded in Plate Book C.i.H. No. 15, Follo 6,

hereby petition that the zoning status of the above described property be re-classified, pure Zoning Law of Baltimore County, from an "A". Residential, some to an "P". Connected to the Reasons for Re-Classification :...

Approved:
Character of use for which above property is to be used: Cammercial Use

Property to be posted as prescribed by Zoning Regulations

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Melin G. M. Cake Aldrew R. E. D # 8 York Rd, Towson 4

ORDERED by The Zoning Commissioner of Baltimore County, this S4th day of 19.45, that the subject matter of this petition be advertised, as required ssicate of Baltimore County, in the Reckard Bidg., in Tyrson, Baltimore County, on the 14th day of August 19, 45, at 10 o'clock A+ M.

Dayed P. Forder Acting Zonne Con

IN THE MATTER OF THE PETITION : POR RECLASSIFICATION, SOUTHERST :-CORNER OF YORK AND WEST ROADS - : BALTIMORE COUNTY

Mr. Commissioner:

Please enter appeal in the above entitled matter to the Board of Zoning Appeals of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason ofthe above re-classification should be had.

It Is Ordered by the Zoning Commissioner of Baltimore County this 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

Zoning Commissioner of Halthunge County Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of lack of community need and the nessibility of creating a traffic hazard for southbound traffic on York Road.

August 19 45, 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 80. "A" zone Acting Ding Commissioner of Baltimore County

Upon hearing on appeal from the Order of Action Zoning Com-missioner of Baltimore County Codes on the 2 1825, Gerylang the Commissioner of Saltimore County Codes on the Commission of From the purposes as set forth in said pattino, and it spearing that said reclassification should be had and that the said Goder of the said Acting Zoning Commissioner should be reversed, therefore;

the said acting Commissions should be reversed, therefore;

It is this "Any of septembr. 1045, (SHEMBUR by the Board
of Conting Commissioner be and the some is brevely reversed
and the acrossed petition for reclassification is breeby reversed
and the acrossed petition for reclassification is breeby granted and
the land in said petition in the to be depressed coverant as acrossed,
the land in said petition in the to the depressed coverant and agreement, however, and which is to be agreed to by said petitioners, that
the atback of any building to be reacted one to the westernmost
right-arway of the York Road and not less than 15 feet from the
outhermost side of west Road and the said respective shows the
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Accepted and agreed to this All Makengy

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The agree of Speaker, 1945

Libdin Care. (SEAL) Edit & Martin Heling & Mo Cafe (STAL) Board of Zoning Appeals of Baltimore County.

County Commissioners of Baltimore County

ZONING DEPARTMENT-BALTIMORE COUNTY, MD. CANIGU DEPARTMENT - BALTIMORE COUNTY, MD.

Certificate of Porting of Se Classification of Special Fermit Notice Date of Return 2 7 1915 Sent rich of the work conner of office.

Note that the the work conner of office.

Ref. May been brown to Commercial the

NEXT ASSESS AND VALUE

RECT AUG 6 1945

CERTIFICATE OF PUBLICATION

TOWSON, MD. 44 3/9/ 19. THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ween in each of the successive weeks before the John day of Special Styl, the first publication appearing on the 2/4 day of Maley THE JEFFERSONIAN,

To ROBERT J. SPITTEL, Clerk, Dr. For Court Costs in above entitled cruise

July 23, 1945

\$18.00

RECEIVED of Curtis G. McCabe, and wife, the our of Eighteen (\$18.00) Dollars, weing cost of petition for reclassification, advertising and posting of property, Southwest corner of York and West Roses, 9th Election Matrict of Baltimore County, pursuant to petition being filed for reol newt clear ton

Acting foning Commissioner.

Hearings Tuesday, August 14, 1945 at 10:00 o'clock a.m.



PALO HOV 20 15 in the STATE COUNTY COMMISSION TO BALLIMORE COUNTY

Zoning Complete Laters.

RECEIVED of Curtis G. McCabe and wife, the sun

of Twenty Two (\$22,00) Pollars, covering cost of appeal from secision of Soning Countsaloner of Saltimore Counts

to Board of Zoning & meals, petitioner, Curtis G. McCabe.

and wife, property at sout west corner of York and West

Roads, 9th district of Haltimore County.

November 23. 1945.

222.00

.... Rilda L. Werrield ... Duplicate Board of Bonies Appeals Clerk of the Circuit Court for Baltimore Country OFFICE OF

Towsen, Md., March 13,

Docket 2199, 4 Folio 94

\$9.35

spring sons brances de arder for

Notice of Special Clark

#438 ROAD WEST 5 64:58 W 218.20 217.63 23-36E N. 23.25 W 217.47 5 2/7.31 4950 NGT: 52 E 21705 SOLD, PROPERTY OF MR. H. GUY CAMPBELL 9TH DISTRICT CHK-13-fol6 BALTIMORE COUNTY - MD. Rec-1-15-42 SCALE SOFEETTO ONE INCH.

SCALE SOFEETTO ONE INCH. FRED H. DOLLENBERG. COUNTY SURVEYOR FOR BALTO. Co. TOW SON, MD. FEB. 2, 1938.