

THE CIRCUIT COURT
1100 Baltimore Ave., 11th & 12th
Lover, N. E. 11th

JOHN F. MILLER, JR., and
ROBERTA H. MILLER, his wife,
et al. PLAINTIFFS
vs.
WILLIAM H. MARANEY,
EDWARD L. MARTIN, and
J. KEMP MARTIN, JR.,
constituting the Board of
Zoning Appeals for
Baltimore County, and
THE CARPENTER COMPANY, DEFENDANTS

ORDER

Hearing having been held on September 16, 1946 on the Petition and Appeal filed by the Appellants in the above entitled matter and on the Writ of Certiorari issued by this Court, and the Court having heard argument by counsel for both sides and having examined the record in the above matter, it is this 27th day of September, 1946, ORDERED and ADJUDGED by the Circuit Court for Baltimore County that the decision of the Board of Zoning Appeals for Baltimore County be and the same is hereby affirmed.

Judge

JOHN F. MILLER, JR. and
ROBERTA H. MILLER, his wife
vs.
WILLIAM H. MARANEY,
EDWARD L. MARTIN, and
J. KEMP MARTIN, JR.,
constituting the Board of
Zoning Appeals for Baltimore
County
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition and Appeal of John F. Miller, Jr. and Roberta H. Miller, his wife, respectfully represent:

PETITION: That they are property owners and taxpayers in Baltimore County, State of Maryland, and that they now reside at 815 Academy Road, Catonsville, Baltimore County, Maryland.

RECORD: That under date of October 23, 1945, John J. Yimmus, Esq., Zoning Commissioner for Baltimore County, passed an Order granting the Petition of The Carpenter Company for reclassification of certain property situated near the property of your Petitioners from an "A" Residence Zone to a "B" Residence Zone; that your Petitioners along with other property owners in the First Election District of Baltimore County filed an Appeal from said Order of the Zoning Commissioner for Baltimore County and after said Appeal was heard by the Board of Zoning Appeals for Baltimore County, said Order was affirmed by said Board of Zoning Appeals for Baltimore County under date of November 26, 1945.

ALLEGED: That your Petitioners are aggrieved by the decision of the Board of Zoning Appeals for Baltimore County as aforesaid; that the result of said reclassification will be detrimental to the safety, health, morals and general welfare of the community in which said property is located.

PRAYER: That the aforementioned Order of the Board of Zoning Appeals for Baltimore County dated November 26, 1945,

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

(1) That the Board of Zoning Appeals for 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 regulations made and adopted pursuant to any comprehensive plan as required by Chapter 502 of the Laws of Maryland of 1945; that the County Commissioners of Baltimore County had not provided any comprehensive plan of zoning pursuant to said Act or any regulations as provided therein at the time of the passage of the said Order of the Board of Zoning Appeals or at the time of the passage of the Order of the Zoning Commissioner for Baltimore County which was affirmed by the Board of Zoning Appeals.

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

(3) That there was no substantial or sufficient evidence produced before the Board of Zoning Appeals for Baltimore County to justify said Order and the applicant in the proceeding failed to meet the burden of proof imposed upon it.

FIND: That this Petition and Appeal is filed pursuant to Chapter 502 of the Laws of Maryland of 1945.

WHEREFORE your Petitioners pray:

(a) That a Writ of Certiorari be issued by this Court directed to the Board of Zoning Appeals for Baltimore County to review the decision of the Board of Zoning Appeals for 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 for Baltimore County dated November 26, 1945.

ORDER OF COURT

Upon the foregoing Petition and Appeal and Affidavit, it is this 27th day of December, 1945, ORDERED by the Circuit Court for Baltimore County that a writ of certiorari issue directed to the Board of Zoning Appeals for Baltimore County to review the decision and Order of said Board of Zoning Appeals dated November 26, 1945, and that a return thereto must be made and served upon the relator's attorney within fifteen days from the date of this Order; and

It is further ORDERED that the Board of Zoning Appeals for 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

Judge

(c) That the Board of Zoning Appeals for Baltimore County 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.

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

AND AS IN DUTY BOUND, etc.

Jenifer and Jenifer
Attorneys for Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 27th day of December, 1945, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared JOHN F. MILLER, JR., one of the within Petitioners, and made oath in due form of law on his own behalf and on behalf of the remaining Petitioner, ROBERTA H. MILLER, his wife, that the matters and facts set forth in the foregoing Petition and Appeal are true to the best of his knowledge, information and belief.

AS WITNESS my hand and notarial seal.

Margaret M. Hoie
NOTARY PUBLIC

COPY

State of Maryland, Baltimore County, Set:

William H. Maraney, Edward L. Martin and J. Kemp Martin, Jr.
constituting the Board of Zoning Appeals for Baltimore County

YOU ARE COMMANDED, that the record and proceedings in a certain case of

John F. Miller and Roberta H. Miller, his wife

with all things touching the same, as fully and perfectly as they remain before you, by whatever name or names the parties aforesaid, or either of them, are called in the same, you send and certify to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable John B. Contrum Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immediately upon receipt of the same.

WITNESS, the Honorable O. Oun Oronso
Associate Judge of the Circuit Court for Baltimore County, this 27th day of December, 1945

Issued this 27th day of December, 1945

Clerk

SEAL

True Copy Test
Robert J. Spiller
Clerk

449-

RECEIVED of John E. Raine, Jr., Attorney for Protestants
 Two
 THE sum of Twenty (\$22.00) Dollars, covering cost of appeal
 from decision of Zoning Commissioner of Baltimore County to
 Board of Zoning Appeals, Petitioner, The Cardenas Company,
 property on north side of Edmondson Avenue, 655' west of
 Nunnery Lane, 1st District of Baltimore County.

PAID
NOV 29 1945
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *Wacker*

ZONING DEPARTMENT—BALTIMORE COUNTY, MD.
Certificate of Posting of Re-Classification of Special Permit Notice

ZONING DEPARTMENT - BALTIMORE
 Certificate of Posting of Re-Classification of Special Permit Notice

Date of Return Aug 22 1945

1 District Aug 20/45 feet from front Street or Road.

Date of Posting Property Aug 5

Location of Sign on Property North side Edmondson Ave

Location of property North side Edmondson Ave
665 ft west of Nunmery Lane

Re-Classification of Special Permit Petitioned for Single House

Petitioner The Cardenas Company

Remarks: Sign on 100 ft from turn in Rd. on
Harlem Ave. into 1st St. on corner
from 100 ft. south of 1st St. Ad.
Ham Co. Bank

Inspector making return _____

REC'D SEP 1 1945

CERTIFICATE OF PUBLICATION

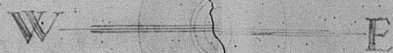
TOWSON, MD. *August 1985*

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. *once in each*
other *seven* *weeks* before the *5th*
day of *Sept.* *1985*, the first publication
appearing on the *5th* day of *August*
in THE JEFFERSONIAN,

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$



APPROVED PLAN

A PROPOSED DEVELOPMENT
of the
NIT DE JALEN TRACT
CARDENAS COMPANY
Dulles Md

E



NOTE:
1. 25' MIN. SETBACK FROM BUILDING LINE
2. 25' MIN. SETBACK FROM ALLEY
3. 25' MIN. SETBACK FROM BUILDING GROUP
4. ALLEYS 15' WIDE

APPROVED PLAN

EDMONDSON AVE

10' Widening